

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend HCS/House Bill No. 2, Page 1, Section TITLE, Line 2-3,

2 by striking the words "forfeiture by wronging" and inserting in
3 lieu thereof the following: "criminal procedure"; and

4 Further amend said bill and page, Section A, line 2, by
5 inserting after all of said line the following:

6 "27.120. 1. The provisions of this section shall apply to
7 any city not within a county.

8 2. The attorney general shall have authority to prosecute
9 under the provisions of this section if:

10 (1) A written request of the attorney general has been made
11 by the chief law enforcement officer of the investigative agency
12 for the alleged criminal offense or offenses;

13 (2) Ninety days or more have passed since the alleged
14 commission of a violation of section 565.020 or 565.021; and

15 (3) A complaint, information, or indictment charging a
16 violation of sections 565.020 or 565.021 has not been filed or
17 has been filed and dismissed.

18 3. The attorney general may commence and prosecute any
19 alleged violation of section 565.020 or 565.021 by filing a
20 complaint, information, or indictment. If the attorney general
21 commences and prosecutes an action pursuant to this section, he

1 or she may commence and prosecute any additional violation that
2 was part of the same course of conduct as the violation of
3 section 565.020 or 565.021.

4 4. If the attorney general commences and prosecutes an
5 action pursuant to this section, the attorney general shall
6 exercise all authority, duties, rights, and responsibilities in
7 the matter exclusive of any circuit attorney. No circuit
8 attorney shall have the authority to commence, prosecute,
9 dismiss, or otherwise effect any criminal action if the attorney
10 general commences and prosecutes an action under this section and
11 the circuit attorney shall, within fifteen days of the attorney
12 general commencing prosecution under this section, transmit to
13 the attorney general all materials collected or prepared by the
14 circuit attorney related to the alleged criminal violation or
15 violations.

16 5. In all such proceedings authorized under this section,
17 the attorney general may appear in person or by appointing his or
18 her assistant attorneys general before any court of record or
19 grand jury and exercise all the powers and perform all the duties
20 in respect to such actions or proceedings which a circuit
21 attorney would otherwise be authorized or required to exercise or
22 perform.

23 6. Upon any conviction by the attorney general pursuant to
24 this section, he or she shall have exclusive authority to
25 represent the state in all post-conviction relief proceedings
26 under sections 547.360 and 547.370. The attorney general shall
27 exercise all the powers and perform all the duties in respect to
28 such actions and proceedings which a circuit attorney would
29 otherwise be authorized or required to exercise or perform under

1 sections 547.360 and 547.370.

2 7. The provisions of this section shall apply to criminal
3 offenses occurring before or after the effective date of this
4 section."; and

5 Further amend the title and enacting clause accordingly.