

FIRST EXTRAORDINARY SESSION

# SENATE BILL NO. 4

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Read 1st time July 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5837S.01I

## AN ACT

To amend chapter 491, RSMo, by adding thereto two new sections relating to witnesses, with an emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 491, RSMo, is amended by adding thereto two new sections, to be known as sections 491.016 and 491.641, to read as follows:

**491.016. A statement made by a witness, that is not otherwise admissible, is admissible in evidence in a criminal proceeding in the courts of this state as substantive evidence to prove the truth of the matter asserted if the court finds by preponderance of the evidence, in a hearing conducted outside the presence of the jury and before trial, that the defendant engaged in or acquiesced to wrongdoing, with the purpose of preventing the witness from testifying in any proceeding and the witness fails to appear.**

**491.641. 1. (1) There is hereby created in the state treasury the "Pretrial Witness Protection Services Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of witness protection services pursuant to this section.**

**(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

**(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys**

14 earned on such investments shall be credited to the fund.

15           2. Any law enforcement agency may provide for the security of  
16 witnesses, potential witnesses, and their immediate families in criminal  
17 proceedings instituted or investigations pending against a person  
18 alleged to have engaged in a violation of state law. Providing for  
19 witnesses may include provision of housing facilities and for the health,  
20 safety, and welfare of such witnesses and their immediate families, if  
21 testimony by such a witness might subject the witness or a member of  
22 his or her immediate family to danger of bodily injury, and may  
23 continue so long as such danger exists. Subject to appropriations from  
24 the general assembly for the purposes provided for in this section,  
25 funds may be appropriated from the pretrial witness protection  
26 services fund.

27           3. The department of public safety may authorize funds to be  
28 disbursed to law enforcement agencies for the purchase, rental, or  
29 modification of protected housing facilities for the purpose of this  
30 section. The law enforcement agency may contract with any  
31 department of federal or state government to obtain or to provide the  
32 facilities or services to carry out this section.

33           4. The department of public safety may authorize expenditures  
34 for law enforcement agencies to provide for the health, safety, and  
35 welfare of witnesses and victims, and the families of such witnesses and  
36 victims, whenever testimony from, or a willingness to testify by, such  
37 a witness or victim would place the life of such person, or a member of  
38 his or her family or household, in jeopardy. A law enforcement agency  
39 shall submit an application to the department of public safety which  
40 shall include, but not necessarily be limited to:

41           (1) Statement of conditions which qualify persons for protection;

42           (2) Precise methods the originating agency will use to provide  
43 protection, including relocation of persons and reciprocal agreements  
44 with other law enforcement agencies;

45           (3) Statement of the projected costs over a specified period of  
46 time;

47           (4) If the requesting agency expects the person to provide  
48 evidence in any court of competent jurisdiction:

49           (a) Brief statement of the anticipated evidence;

50           (b) Certification of a reasonable belief in the person's

51 competency to give evidence;

52 (c) Statement of facts supporting the law enforcement agency's  
53 belief in the accuracy of the evidence; and

54 (d) Any offer made in exchange for the person agreeing to give  
55 evidence.

56 5. The application submitted in subsection 4 of this section shall  
57 be a closed record and not subject to disclosure under the provisions  
58 of chapter 610. Any information contained in the application, or any  
59 other documents, which reveals or could reveal the location or address  
60 of the individual or individuals who qualify for services under this  
61 section shall be confidential and shall not be disclosed by any entity.

Section B. Because of the necessity of protecting the citizens of Missouri  
2 from violent crime, section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace, and safety, and is hereby  
4 declared to be an emergency act within the meaning of the constitution, and  
5 section A of this act shall be in full force and effect upon its passage and  
6 approval.

Bill ✓

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