

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 857

100TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 12, 2020, with recommendation that the Senate Committee Substitute do pass.

4759S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 491, RSMo, by adding thereto one new section relating to witness protection programs.

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

Section A. Chapter 491, RSMo, is amended by adding thereto one new
2 section, to be known as section 491.641, to read as follows:

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

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

12 (3) The state treasurer shall invest moneys in the fund in the
13 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; and
45 (3) Statement of the projected costs over a specified period of
46 time.

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