

SECOND REGULAR SESSION

# HOUSE BILL NO. 1364

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3354H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 56.110, RSMo, and to enact in lieu thereof one new section relating to special prosecutors.

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

Section A. Section 56.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 56.110, to read as follows:

56.110. If the prosecuting attorney and assistant prosecuting attorney be interested or shall have been employed as counsel in any case where such employment is inconsistent with the duties of his or her office, or shall be related to the defendant in any criminal prosecution, either by blood or by marriage, the court having criminal jurisdiction may appoint some other attorney to prosecute or defend the cause. Such special prosecutor shall not otherwise represent a party other than the state of Missouri in any criminal case or proceeding in that circuit for the duration of that appointment and shall be considered an appointed prosecutor for purposes of section 56.360 **if, after a hearing and a finding by clear and convincing evidence, an actual conflict of interest is found to exist in such criminal case or proceeding.**

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.