

SECOND REGULAR SESSION

HOUSE BILL NO. 1512

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3397H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 56, 67, and 590, RSMo, by adding thereto three new sections relating to audit requests while investigating offenses committed by public servants.

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

Section A. Chapters 56, 67, and 590, RSMo, are amended by adding thereto three
2 new sections, to be known as sections 56.092, 67.5150, and 590.119, to read as follows:

3 **56.092. A prosecuting or circuit attorney who is conducting an investigation**
4 **relating to an offense of theft or fraud by a public servant or an offense of official**
5 **misconduct within the prosecuting or circuit attorney's jurisdiction may request the**
6 **state auditor or his or her designee to audit all or part of the jurisdiction in which the**
7 **prosecuting or circuit attorney represents regarding the receipt and expenditure of**
8 **public funds. The state auditor shall report any finding to the prosecuting or circuit**
9 **attorney.**

67.5150. If:

- 2 **(1) A prosecuting or circuit attorney;**
- 3 **(2) A law enforcement agency;**
- 4 **(3) A sheriff of a county;**
- 5 **(4) The police commissioner of a city not within a county; or**
- 6 **(5) The chief of police of a county with more than four hundred thousand but**
7 **fewer than five hundred thousand inhabitants or of a county with more than one million**
8 **inhabitants**

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.

10 is conducting an investigation relating to an offense of theft or fraud by a public servant
11 or an offense of official misconduct within the jurisdiction of the prosecuting or circuit
12 attorney, the law enforcement agency, the police commissioner of a city not within a
13 county, or the chief of police of a county with more than four hundred thousand but
14 fewer than five hundred thousand inhabitants or of a county with more than one million
15 inhabitants, the governing body of the county, with a majority vote, may request the
16 state auditor or his or her designee to audit all or part of the jurisdiction within that
17 county in which the prosecuting or circuit attorney, the law enforcement agency, the
18 police commissioner of a city not within a county, or the chief of police of a county with
19 more than four hundred thousand but fewer than five hundred thousand inhabitants or
20 of a county with more than one million inhabitants represents or serves regarding the
21 receipt and expenditures of public funds. The state auditor shall report any findings to
22 the governing body of the county.

590.119. A law enforcement agency, a sheriff of a county, the police
2 commissioner of a city not within a county, or the chief of police of a county with
3 more than four hundred thousand but fewer than five hundred thousand inhabitants or
4 of a county with more than one million inhabitants that is conducting an investigation
5 relating to an offense of theft or fraud by a public servant or an offense of official
6 misconduct within the law enforcement agency's, sheriff's, police commissioner's, or
7 chief of police's jurisdiction may request the state auditor or his or her designee to audit
8 all or part of the jurisdiction in which the law enforcement agency, sheriff, police
9 commissioner, or chief of police serves regarding the receipt and expenditure of public
10 funds. The state auditor shall report any finding to the law enforcement agency.

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