

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1266

102ND GENERAL ASSEMBLY

4698S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 491.641, RSMo, and to enact in lieu thereof one new section relating to pretrial witness protection services.

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

Section A. Section 491.641, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 491.641,
3 to read as follows:

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

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

14 (3) The state treasurer shall invest moneys in the
15 fund in the same manner as other funds are invested. Any
16 interest and moneys earned on such investments shall be
17 credited to the fund.

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

32 3. The department of public safety may authorize funds
33 to be disbursed to law enforcement agencies **and prosecuting**
34 **or circuit attorney's offices** for the purchase, rental, or
35 modification of protected housing facilities for the purpose
36 of this section. The law enforcement agency **or prosecuting**
37 **or circuit attorney's office** may contract with any
38 department of federal or state government to obtain or to
39 provide the facilities or services to carry out this section.

40 4. The department of public safety may authorize
41 expenditures for law enforcement agencies **and prosecuting or**
42 **circuit attorney's offices** to provide for the health,
43 safety, and welfare of witnesses and victims, and the
44 families of such witnesses and victims, whenever testimony
45 from, or a willingness to testify by, such a witness or
46 victim would place the life of such person, or a member of
47 his or her family or household, in jeopardy. A law
48 enforcement agency **or a prosecuting or circuit attorney's**
49 **office** shall submit an application to the department of

50 public safety which shall include, but not necessarily be
51 limited to:

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

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

57 (3) Statement of the projected costs over a specified
58 period of time;

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

61 (a) Brief statement of the anticipated evidence;

62 (b) Certification of a reasonable belief in the
63 person's competency to give evidence;

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

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

68 5. The application submitted in subsection 4 of this
69 section shall be a closed record and not subject to
70 disclosure under the provisions of chapter 610. Any
71 information contained in the application, or any other
72 documents, which reveals or could reveal the location or
73 address of the individual or individuals who qualify for
74 services under this section shall be confidential and shall
75 not be disclosed by any entity.

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