

# SENATE BILL NO. 937

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

4014S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 545.473, RSMo, and to enact in lieu thereof one new section relating to change of venue for misdemeanors and felonies.

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

Section A. Section 545.473, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 545.473,  
3 to read as follows:

545.473. 1. Notwithstanding Missouri supreme court  
2 rule 32.03, a defendant with a case filed in a county [with  
3 department of corrections centers with a total average  
4 yearly offender population in excess of two thousand  
5 persons] **having seventy-five thousand or fewer inhabitants**  
6 shall follow the procedure listed in subsections 2 to 5 of  
7 this section in order to obtain a change of venue for  
8 misdemeanors or felonies.

9 2. Upon written application of the defendant, a change  
10 of venue may be ordered in any criminal proceeding for the  
11 following reasons:

12 (1) That the inhabitants of the county are prejudiced  
13 against the defendant; or

14 (2) That the state has an undue influence over the  
15 inhabitants of the county.

16 3. In felony cases, the application must be filed not  
17 later than thirty days after arraignment. In misdemeanor

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 cases, the application must be filed not later than ten days  
19 before the date set for trial.

20 4. A copy of the application and a notice of the time  
21 when it will be presented to the court shall be served on  
22 all parties.

23 5. The application shall set forth the reason or  
24 reasons for change of venue. It need not be verified and  
25 shall be signed by the defendant or his attorney.

26 6. The state may, within five days after the filing of  
27 the application for a change of venue, file a denial of the  
28 existence of the reason or reasons alleged in the  
29 application. Such denial need not be verified. If a denial  
30 is filed, the court shall hear evidence and determine the  
31 issues. If the issues are determined in favor of the  
32 defendant, or if the truth of the grounds alleged is within  
33 the knowledge of the court, or if no denial is filed, a  
34 change of venue shall be ordered to some other county  
35 convenient to the parties and where the reason or reasons do  
36 not exist.

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