

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 937

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Section A. Section 545.473, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 545.473, to read as follows:

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

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

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

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

3. In felony and misdemeanor cases, the application must be filed not later than [thirty] ten days after [arraignment. In misdemeanor cases, the application must be filed not later than ten days before the date set for trial] the initial plea is entered.

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

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

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