

SECOND REGULAR SESSION

# HOUSE BILL NO. 2137

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VOSS.

4828H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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Section A. Section 491.641, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 491.641, to read as follows:

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

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

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

2. Any law enforcement agency **or prosecuting attorney's office** may provide for the security of witnesses, potential witnesses, and their immediate families in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Providing for witnesses may include provision of housing facilities and for the health, safety, and welfare of such witnesses and their immediate families, if

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.

18 testimony by such a witness might subject the witness or a member of his or her immediate  
 19 family to danger of bodily injury, and may continue so long as such danger exists. Subject to  
 20 appropriations from the general assembly for the purposes provided for in this section, funds  
 21 may be appropriated from the pretrial witness protection services fund.

22 3. The department of public safety may authorize funds to be disbursed to law  
 23 enforcement agencies **or prosecuting attorneys' offices** for the purchase, rental, or  
 24 modification of protected housing facilities for the purpose of this section. The law  
 25 enforcement agency **or prosecuting attorney's office** may contract with any department of  
 26 federal or state government to obtain or to provide the facilities or services to carry out this  
 27 section.

28 4. The department of public safety may authorize expenditures for law enforcement  
 29 agencies **or prosecuting attorneys' offices** to provide for the health, safety, and welfare of  
 30 witnesses and victims, and the families of such witnesses and victims, whenever testimony  
 31 from, or a willingness to testify by, such a witness or victim would place the life of such  
 32 person, or a member of his or her family or household, in jeopardy. ~~[A law enforcement~~  
 33 ~~agency shall submit an application to the department of public safety which shall include, but~~  
 34 ~~not necessarily be limited to:~~

35 ~~(1) Statement of conditions which qualify persons for protection;~~

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

38 ~~(3) Statement of the projected costs over a specified period of time;~~

39 ~~(4) If the requesting agency expects the person to provide evidence in any court of~~  
 40 ~~competent jurisdiction:~~

41 ~~(a) Brief statement of the anticipated evidence;~~

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

43 ~~(c) Statement of facts supporting the law enforcement agency's belief in the accuracy~~  
 44 ~~of the evidence; and~~

45 ~~(d) Any offer made in exchange for the person agreeing to give evidence.] A law~~  
 46 **enforcement agency or prosecuting attorney's office seeking reimbursement shall**  
 47 **submit an application to be approved by the department of public safety. The**  
 48 **department of public safety may also be reimbursed or paid for incurred costs that are**  
 49 **directly related to the management and administration of the fund, up to five percent of**  
 50 **the appropriated amount in the fund.**

51 5. The application **and any associated documents** submitted in subsection 4 of this  
 52 section shall be a closed record and not subject to disclosure under the provisions of chapter  
 53 610. Any information contained in the application~~[, or]~~ **and** any other documents~~[, which~~  
 54 ~~reveals]~~ **that reveal** or could reveal the location or address of the individual or individuals

55 who qualify for services under this section shall be confidential and shall not be disclosed by  
56 any entity.

57 **6. The department of public safety may promulgate rules as to the application**  
58 **process to seek reimbursement. Any rule or portion of a rule, as that term is defined in**  
59 **section 536.010, that is created under the authority delegated in this section shall**  
60 **become effective only if it complies with and is subject to all of the provisions of chapter**  
61 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
62 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
63 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
64 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
65 **adopted after August 28, 2024, shall be invalid and void.**

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