

FIRST REGULAR SESSION

HOUSE BILL NO. 317

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor), DIXON AND KUESSNER (Co-sponsors).

1165L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 545.400, RSMo, and to enact in lieu thereof one new section relating to examination of witnesses.

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

Section A. Section 545.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 545.400, to read as follows:

545.400. **1.** The defendant in any criminal cause may also have witnesses **fourteen years of age or older** examined on his **or her** behalf, conditionally, upon a commission issued by the clerk of the court in which the cause is pending, in the same cases and upon the like notice to the prosecuting attorney, with the like effect and in all respects as is provided by law in civil suits; provided, that the notice in such case to the prosecuting attorney shall state the name or names of the witness or witnesses whose depositions are desired or will be taken.

2. No defendant in any criminal cause shall be entitled to issuance of a commission under this section or otherwise compel the examination of any witness who is less than fourteen years of age.

✓

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.