

SECOND REGULAR SESSION

# HOUSE BILL NO. 1538

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CLAYTON.

Read 1<sup>st</sup> time January 17, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4064L.011

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### AN ACT

To repeal section 56.823, RSMo, and to enact in lieu thereof one new section relating to the retirement system for prosecuting and circuit attorneys.

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

Section A. Section 56.823, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 56.823, to read as follows:

56.823. 1. Any prosecuting attorney or circuit attorney who becomes a member of the system on [the effective date of the establishment of the system] **or after August 28, 1989**, shall be given full credit for prior service as prosecuting attorney or circuit attorney in this state and seventy-five percent credit for prior service as an assistant prosecuting or assistant circuit attorney in this state for such time as the individual expended sixty percent of the individual's time or more fulfilling prosecutorial duties.

2. Notwithstanding any other provision of law, any prosecuting attorney or circuit attorney who is serving as such on August 28, 1993, who also served as a prosecuting attorney or circuit attorney prior to [the establishment of the system] **August 28, 1989**, shall be allowed creditable prior service for the service that was performed prior to [the establishment of the system] **August 28, 1989**.

3. Notwithstanding any other provision of law, any prosecuting attorney or circuit attorney who was not a member of the system on [the effective date of the establishment of the system] **August 28, 1989**, but who is serving as such on August 28, 1996, and who also served as an assistant prosecuting attorney or as an assistant circuit attorney prior to [the establishment of the system] **August 28, 1989**, and who expended at least sixty percent of the time as an

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

17 assistant prosecuting attorney or as an assistant circuit attorney fulfilling prosecutorial duties  
18 shall be allowed creditable prior service for seventy-five percent of such service as an assistant  
19 prosecuting attorney or as an assistant circuit attorney that was performed prior to [the  
20 establishment of the system] **August 28, 1989.**

21 4. All such prior service shall be established to the satisfaction of the board.