

SCS SB 1185 -- PROSECUTORS

SPONSOR: Gibbons (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 6 to 5.

This substitute removes the requirement that a local prosecutor appear on behalf of the Director of the Department of Revenue for administrative actions regarding a suspension or revocation of a driver's license hearing and repeals outdated provisions regarding the payment of court costs and the prosecution of hedge fence violations.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$21,842 in FY 2009, \$7,922 in FY 2010, and \$8,160 in FY 2011. No impact on Other State Funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill changes the individual who is responsible for handling petitions for the review on license suspension for refusal hearings, removes archaic provisions in the statutes, and removes personal liability imposition on prosecutors. The reason for the bill is because county prosecutors were setting aside the refusal charge in order to get guilty pleas for the driving while intoxicated charge. The Missouri Ethics Commission found that since the Department of Revenue is a client of the prosecutors with regard to the refusal hearing, prosecutors don't have discretion to drop the refusal charge when the department intends to prosecute the suspension. Since the department is already handling the .08 administrative hearing, they should handle the refusal hearings as well.

Testifying for the bill were Senator Gibbons; Brian Keedy, Missouri Office of Prosecution Services; Mark Richardson, Cole County Prosecutor; and Jamie Gallaher, Cole County Special Assistant Prosecutor.

OPPOSERS: There was no opposition voiced to the committee.