

SECOND REGULAR SESSION

HOUSE BILL NO. 1834

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ADAMS.

4420H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 565.006, RSMo, and to enact in lieu thereof one new section relating to the waiver of a trial by jury for certain offenses.

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

Section A. Section 565.006, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.006, to read as follows:

565.006. 1. At any time before the commencement of the trial of a homicide offense, the defendant may, with the assent of the court, waive a trial by jury and agree to submit all issues in the case to the court, whose finding shall have the force and effect of a verdict of a jury. Such a waiver must include a waiver of a trial by jury of all issues and offenses charged in the case, including the punishment to be assessed and imposed if the defendant is found guilty.

2. No defendant who pleads guilty to a homicide offense or who is found guilty of a homicide offense after trial to the court without a jury shall be permitted a trial by jury on the issue of the punishment to be imposed, except by agreement of the state.

3. If a defendant is found guilty of murder in the first degree after a jury trial in which the state has not waived the death penalty, the defendant may not waive a jury trial of the issue of the punishment to be imposed, except by agreement with the state and the court.

4. Any waiver of a jury trial and agreement permitted by this section shall be entered in the court record.

5. A law enforcement officer, as that term is defined under section 556.061, may waive a trial by jury for a crime related to a lethal officer-involved shooting and agree to submit all issues in the case to a panel consisting of three judges whose finding shall have the force and effect of a verdict of a jury. No crime related to a lethal officer-involved

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 **shooting shall be tried by a fact-finder other than a jury or three-judge panel. A lethal**
19 **officer-involved shooting means an incident in which an individual dies as a result of a law**
20 **enforcement officer discharging the officer's firearm while on duty or while off duty but**
21 **performing activities that are within the scope of the officer's law enforcement duties.**

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