

HB 1308 -- SPECIAL PROSECUTORS

SPONSOR: Ellebracht

Currently, when a special prosecutor is appointed because a prosecuting attorney and assistant prosecuting attorney have a conflict of interest related to the duties of their office, the special prosecutor may not represent a party other than the state of Missouri in any criminal case or proceeding in that circuit for the duration of the appointment. This bill provides that the special prosecutor may not represent a party other than the state of Missouri for the duration of the appointment only if, after a hearing and a finding by clear and convincing evidence, an actual conflict of interest is found to exist in such criminal case or proceeding.