

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2207
100TH GENERAL ASSEMBLY

4968H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 491, RSMo, by adding thereto one new section relating to witness protection programs.

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

Section A. Chapter 491, RSMo, is amended by adding thereto one new section, to be
2 known as section 491.641, to read as follows:

**491.641. 1. (1) There is hereby created in the state treasury the "Pretrial Witness
2 Protection Services Fund", which shall consist of moneys collected under this section. The
3 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
4 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
5 and money in the fund shall be used solely by the department of public safety for the
6 purposes of witness protection services pursuant to this section.**

7 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
8 remaining in the fund at the end of the biennium shall not revert to the credit of the
9 general revenue fund.**

10 **(3) The state treasurer shall invest moneys in the fund in the same manner as other
11 funds are invested. Any interest and moneys earned on such investments shall be credited
12 to the fund.**

13 **2. Any law enforcement agency may provide for the security of witnesses, potential
14 witnesses, and their immediate families in criminal proceedings instituted or investigations
15 pending against a person alleged to have engaged in a violation of state law. Providing for
16 witnesses may include provision of housing facilities and for the health, safety, and welfare
17 of such witnesses and their immediate families, if testimony by such a witness might subject
18 the witness or a member of his or her immediate family to danger of bodily injury, and**

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.

19 may continue so long as such danger exists. Subject to appropriations from the general
20 assembly for the purposes provided for in this section, funds may be appropriated from
21 the pretrial witness protection services fund.

22 3. The department of public safety may authorize funds to be disbursed to law
23 enforcement agencies for the purchase, rental, or modification of protected housing
24 facilities for the purpose of this section. The law enforcement agency may contract with
25 any department of federal or state government to obtain or to provide the facilities or
26 services to carry out this section.

27 4. The department of public safety may authorize expenditures for law enforcement
28 agencies to provide for the health, safety, and welfare of witnesses and victims, and the
29 families of such witnesses and victims, whenever testimony from, or a willingness to testify
30 by, such a witness or victim would place the life of such person, or a member of his or her
31 family or household, in jeopardy. A law enforcement agency shall submit an application
32 to the department of public safety which shall include, but not necessarily be limited to:

- 33 (1) Statement of conditions which qualify persons for protection;
34 (2) Precise methods the originating agency will use to provide protection, including
35 relocation of persons and reciprocal agreements with other law enforcement agencies; and
36 (3) Statement of the projected costs over a specified period of time.

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