

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 66, Page 2, Section 491.641, Line 48, by inserting after the word "entity." the
2 following:

3
4 "Nothing in this subsection shall interfere with the right of defense counsel to obtain or view this information
5 through the procedure described in subsection 7 of this section.

6 6. A jailhouse witness shall not receive services funded under this section. As used in this
7 subsection, "jailhouse witness" shall mean a person who offers or provides testimony concerning statements
8 made to such person by another person with whom he or she was incarcerated, or an incarcerated person who
9 offers or provides testimony concerning statements made to such person by another person who is suspected
10 of or charged with committing a criminal offense.

11 7. (1) In any criminal prosecution, upon written request by a defendant filed with the court, but not
12 requiring an order of the court, the defendant may request of the prosecuting attorney whether such attorney
13 intends to introduce testimony of a witness who received services funded under this section or whose family
14 member received such services as a result of the witness's willingness to testify. The prosecuting attorney
15 shall promptly, but not later than forty-five days after the filing of such request, disclose to the defendant
16 whether he or she intends to introduce such testimony and, if so, the following information and material:

17 (a) Any application submitted under subsection 4 of this section that resulted in the receipt of funding
18 that was used for services for the witness or his or her family;

19 (b) A description of the services provided to the witness or his or her family under this section, along
20 with the relevant dates of those services;

21 (c) The total dollar value of services provided to the witness or his or her family under this section,
22 along with a detailed itemized statement of all expenses; and

23 (d) A description of the reasons for providing the witness or his or her family services under this
24 section.

25 (2) The prosecuting attorney may move for an extension of time to make any disclosure under
26 subdivision (1) of this subsection. The court may agree to such extension of time if the court finds that the
27 witness was not known to the prosecuting attorney at the time the defendant filed the written request under
28 subdivision (1) of this subsection, and that information or material required to be disclosed under subdivision
29 (1) of this subsection could not be disclosed with the exercise of due diligence within the period of time
30 required under subdivision (1) of this subsection. Upon good cause shown, the court may set a reasonable
31 extension of time or may, upon the court's own motion, allow such extension.

32 (3) If the court finds that disclosure under subdivision (1) of this subsection may result in the
33 possibility of bodily harm to the witness or his or her family, the court may order that such information or
34 material may only be viewed by the defense counsel, and not by the defendant or other parties."; and

35
36 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken _____ Date _____