

HCS HB 2 -- FORFEITURE BY WRONGDOING

SPONSOR: Hovis

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 17 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 12 to 0.

The following is a summary of the House Committee Substitute for HB 2.

This bill specifies that an otherwise inadmissible witness statement is admissible in evidence in a criminal proceeding as substantive evidence if the court, after a hearing, finds by a preponderance of the evidence that the defendant engaged in or acquiesced to wrongdoing with the purpose of preventing the witness from testifying, such wrongdoing prevented the witness from testifying, the prosecution exercised due diligence and a good faith effort to secure by subpoena or other means the attendance of the witness, and the witness failed to appear. The bill defines "wrongdoing".

There is an emergency clause for this bill.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the purpose of this bill is to codify existing law.

Testifying for the bill were Representative Hovis; Robert Russell, Missouri Association of Prosecuting Attorneys; Arnie C. "A.C." Dienoff; Jimmie M. Edwards, City of St. Louis; Missouri Police Chief's Association; and the Missouri Sheriff's Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the introduced version of the bill would be clearer if it was amended to define wrongdoing and to add a causal connection between the wrongdoing and the failure to appear.

Testifying on the bill was the Missouri State Public Defender's Office.

This bill is similar to HCS HB 1964 (2020).