



MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS

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September 3, 2020

Statement of the Missouri Association of Prosecuting Attorneys on concurrent jurisdiction following passage of HB2 in Senate

As elected local prosecutors who have tried countless homicide cases to Missouri juries, we are gravely concerned regarding the miscarriage of justice from the unprecedented usurpation of the authority of a locally elected prosecutor being attempted by Missouri's Attorney General.

Last night in the midnight hours, the Missouri Senate passed a provision which, if made into law, would grant original jurisdiction to the Attorney General to prosecute homicide cases in the City of St. Louis.

The issues of the City of St. Louis are many and there are differing opinions on their cause but wresting control from a prosecutor recently reelected by her constituents is certainly not the solution. In the entire history of Missouri's statehood, the Attorney General has never had the power to prosecute homicide cases without the request and consent of the local prosecutor. Missourians believe in local control and have never wanted statewide politicians to meddle in local affairs.

The precedent set by this bill is not limited to St. Louis City or prosecutors. The arguments used to prop up this bill apply equally to any jurisdiction and any political office. What happens when some statewide politician does not like the decisions made by a rural sheriff? Will the Missouri State Highway Patrol be substituted for local law enforcement? The overwhelming number of Missourians already believe that local decisions are better than those made in Jefferson City.

Worse yet, the Senate ignored Missouri law requiring bills to address only a single subject. Instead, the Senate tacked this provision gifting the Attorney General jurisdiction over one prosecutor onto a bill that was supposed to relate to "the admissibility of certain witness statements." This likely violates the Missouri Constitution, jeopardizing any conviction the Attorney General might obtain.

Finally, the Attorney General contends he could take on this unprecedented and expanded role without expending any new state tax dollars. That is unrealistic. The Circuit Attorney for the City of St. Louis spends hundreds of thousands of dollars each year prosecuting homicide cases. This bill does not even require a homicide case to be

reviewed by the St. Louis Circuit Attorney's Office before it is forwarded to the Attorney General to prosecute. It is absurd to believe the Attorney General could take on that role without added taxpayer expense—unless he decides to shirk his duties under existing law. Under this ill-conceived legislation, Missouri taxpayers will foot the bill for the Attorney General's office to become the homicide unit for the city of St. Louis. That is simply bad for taxpayers and bad public policy.

As locally elected prosecutors, we know the weight of homicide cases. The costs of this awful provision will not only be dollars; they will be borne by families who do not receive justice as a result of partisan politics in Jefferson City. We urge the Missouri House of Representatives to reject this historic overreach of Jefferson City politicians into the governance of local communities.

Signed by:

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