

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 862 (Formerly HF 414)	House Committee:	PASSED on March 4 (20-0)
Committee:	Judiciary	House Floor:	PASSED on March 26 (93-3)
Floor Manager:	Rep. Gustoff	Senate Floor:	PASSED on April 16 (30-17)
Date:	April 24, 2025	Governor:	
Staff:	Amanda Wille (1-5230)		

County Attorney- Conflict of Interest

- Allows the County Board of Supervisors to hire outside counsel if there is a conflict with the County Attorney.

Section by Section Analysis

Section 1- County Home Rule Implementation- Prohibited Action (331.755)

Outlines prohibited actions for county attorneys to avoid conflicts of interest. It specifies that a county attorney cannot:

1. Accept fees or rewards from individuals for services related to prosecutions or official business. (Current law)
2. Represent parties other than the state or county in actions that are based on similar facts as prosecutions they have conducted. (Current law)
3. Receive assistance from another attorney involved in civil actions related to criminal prosecutions they have initiated. (Current law)
4. A board of supervisors can hire outside counsel with a majority vote if there is a dispute involving the county attorney.
5. A county sheriff can petition a district court to determine if there is a conflict of interest, if the board of supervisors refuses to act. The county may be responsible for all associated court costs and expenses.

Section 2- Effective Date

Effective upon enactment

Amendment Analysis

H-1245- Bousselot

Strikes the ability for a county sheriff to seek outside counsel if they believe a conflict of interest exists. Sub five of section one.