

**“TO SEEK JUSTICE”: WHY
MISSOURI’S CONSTITUTIONAL
AMENDMENT ALLOWING
PROSPERITY EVIDENCE IS A STEP
FORWARD**

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First, this Article provides background information on the history of propensity evidence in the United States, examining its roots in the common law and role in the Federal Rules of Evidence. This Section notes the general prohibition of propensity evidence and strict limitations codified in the Federal Rules. Next, the Article analyzes the rules on propensity evidence at the state level in Texas and Wisconsin. Texas provides a useful example of a state which enables the use of propensity evidence through statute, and Wisconsin through common law. The Article then provides an overview of the rule on propensity evidence in Missouri, including legal challenges and the recent amendment to the Missouri Constitution. The Article then argues that Missouri’s amendment allowing propensity evidence is a positive change for the state, does not create a due process violation, and protects a uniquely vulnerable

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class of citizens. Finally, the Article discusses the impact of Missouri's amendment on a nationwide movement toward allowing the use of propensity evidence, and its applicability to other states.