

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 331 & 21

## 98TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation, Infrastructure and Public Safety, March 11, 2015, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

1677S.07C

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### AN ACT

To repeal section 44.100, RSMo, and to enact in lieu thereof three new sections relating to law enforcement officers.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 44.100, RSMo, is repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 44.100, 590.711, and 590.810, to  
3 read as follows:

44.100. 1. The emergency powers of the governor shall be as follows:

2 (1) The provisions of this section shall be operative only during the  
3 existence of a state of emergency (referred to in this section as "emergency"). The  
4 existence of an emergency may be proclaimed by the governor or by resolution of  
5 the legislature, if the governor in his proclamation, or the legislature in its  
6 resolution, finds that a natural or man-made disaster of major proportions has  
7 actually occurred within this state, and that the safety and welfare of the  
8 inhabitants of this state require an invocation of the provisions of this section;

9 (2) Any emergency, whether proclaimed by the governor or by the  
10 legislature, shall terminate upon the proclamation thereof by the governor, or the  
11 passage by the legislature, of a resolution terminating such emergency;

12 (3) During the period that the state of emergency exists or continues, the  
13 governor shall:

14 (a) Enforce and put into operation all plans, rules and regulations relating  
15 to disasters and emergency management of resources adopted under this law and  
16 to assume direct operational control of all emergency forces and volunteers in the  
17 state;

18 (b) Take action and give directions to state and local law enforcement  
19 officers and agencies as may be reasonable and necessary for the purpose of

20 securing compliance with the provisions of this law and with the orders, rules and  
21 regulations made pursuant thereof;

22 (c) Seize, take or requisition to the extent necessary to bring about the  
23 most effective protection of the public:

24 a. Any means of transportation, other than railroads and railroad  
25 equipment and fuel, and all fuel necessary for the propulsion thereof;

26 b. Any communication system or part thereof necessary to the prompt and  
27 efficient functioning of the emergency management of the state;

28 c. All stocks of fuel;

29 d. Facilities for housing, feeding and hospitalization of persons, including  
30 buildings and plants;

31 (d) Control, restrict and regulate by rationing, freezing, use of quotas,  
32 prohibitions on shipments, price fixing, allocation or other means the use, sale or  
33 distribution of food, feed, fuel, clothing and other commodities, materials, goods  
34 or services;

35 (e) Prescribe and direct activities in connection with but not limited to  
36 use, conservation, salvage and prevention of waste of materials, services and  
37 facilities, including production, transportation, power and communication  
38 facilities, training and supply of labor, utilization of industrial plants, health and  
39 medical care, nutrition, housing, including the use of existing and private  
40 facilities, rehabilitation, education, welfare, child care, recreation, consumer  
41 protection and other essential civil needs;

42 (f) Use or distribute all or any of this property among the inhabitants of  
43 the state in any area adversely affected by a natural or man-made disaster and  
44 to account to the state treasurer for any funds received thereof;

45 (g) Waive or suspend the operation of any statutory requirement or  
46 administrative rule regarding the licensing, certification or issuance of permits  
47 evidencing professional, mechanical or other skills;

48 (h) Waive or suspend the operation of any statutory requirement or  
49 administrative rule prescribing procedures for conducting state business, where  
50 strict compliance with such requirements and rules would prevent, hinder, or  
51 delay necessary action by the department of health and senior services to respond  
52 to a declared emergency or increased health threat to the population;

53 (i) In accordance with rules or regulations, provide that all law  
54 enforcement authorities and other emergency response workers and agencies of  
55 other states who may be within this state at the request of the governor or

56 pursuant to state or local mutual-aid agreements or compacts shall have the same  
57 authority and possess the same powers, duties, rights, privileges and immunities  
58 as are possessed by like law enforcement authorities and emergency response  
59 workers and agencies of this state;

60 (j) Perform and exercise such other functions, powers and duties as may  
61 be necessary to promote and secure the safety and protection of the civilian  
62 population;

63 (k) Authorize the director of finance and the director of credit unions to  
64 waive or suspend the operation of any statutory requirement or administrative  
65 rule applicable to the division of finance, banking, financial services, or the  
66 division of credit unions and take action and give direction to banks, credit  
67 unions, and financial institutions, including coordinating actions with emergency  
68 responders, federal agencies, and state banking and credit union associations as  
69 may be reasonable and necessary to preserve the safety and soundness of banks,  
70 credit unions, and financial institutions; and facilitate disaster response and  
71 recovery efforts to serve essential civil needs and protect the public interest.

72 2. When any property is seized, taken or requisitioned under this section,  
73 the circuit court of the county in which the property was taken may on the  
74 application of the owner thereof or on the application of the governor in cases  
75 where numerous claims may be filed, appoint three disinterested commissioners  
76 in the manner provided by section 523.040 to assess the damages which the  
77 owners may have sustained by reason of the appropriation thereof. Upon the  
78 application the amount due because of the seizure of property shall be determined  
79 in the manner provided in chapter 523 for the determination of damages in case  
80 of the exercise of the power of eminent domain.

81 **3. If a state of emergency is proclaimed in response to civil**  
82 **unrest, the governor shall, at the request of the county health**  
83 **department, assign a sufficient number of state social workers,**  
84 **counselors, or psychologists to provide counseling and mental health**  
85 **services in the region affected by the unrest.**

590.711. 1. As used in this section, the term "protest" means the  
2 assembly of people for the purpose of expressing disapproval or  
3 objection to some person or thing. The term "protest" shall not include  
4 any unlawful assembly as defined in section 574.040, or any assembly  
5 that interferes with the rights of others through the commission of  
6 disorderly acts.

7           **2. Each law enforcement agency shall have a policy that requires**  
8 **peace officers on duty at a protest to wear accurate, visible,**  
9 **department-issued identification tags displaying the name of the law**  
10 **enforcement agency and the officer's last name, when feasible.**

**590.810. 1. Any recording captured by a camera, which is**  
2 **capable of recording video or audio and is, during the course of a peace**  
3 **officer's official duties:**

4           **(1) Worn on the person of a peace officer;**

5           **(2) Attached to a peace officer's motor vehicle, watercraft, or**  
6 **aircraft; or**

7           **(3) Attached to any other device used by a peace officer;**

8 **shall be an investigative report under chapter 610.**

9           **2. No law enforcement agency shall be required by the state to**  
10 **provide cameras as described in subsection 1 of this section to officers**  
11 **employed by the agency, nor shall the state require any peace officer**  
12 **to wear such cameras.**

13           **3. A law enforcement agency shall retain any recording as**  
14 **described under subsection 1 of this section for at least thirty calendar**  
15 **days and no longer than ninety calendar days unless the recording is**  
16 **needed for an active criminal investigation or being used as evidence**  
17 **in a criminal case or civil litigation.**

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