

SECOND REGULAR SESSION

SENATE BILL NO. 765

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Pre-filed December 2, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4939S.01I

AN ACT

To repeal section 575.320 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.320 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, and to enact in lieu thereof one new section relating to misconduct in the administration of justice, with an existing penalty provision.

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

Section A. Section 575.320 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.320 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 575.320, to read as follows:

575.320. 1. A public servant, in his or her public capacity or under color of his or her office or employment, commits the offense of misconduct in administration of justice if he or she:

(1) Is charged with the custody of any person accused or convicted of any offense or municipal ordinance violation and he or she coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him or her;

(2) Knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority;

(3) Is a judge and knowingly accepts a plea of guilty from any person charged with a violation of a statute or ordinance at any place other than at the place provided by law for holding court by such judge;

(4) Is a jailer or keeper of a county jail and knowingly refuses to receive,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 in the jail under his or her charge, any person lawfully committed to such jail on
15 any criminal charge or criminal conviction by any court of this state, or on any
16 warrant and commitment or capias on any criminal charge issued by any court
17 of this state;

18 (5) Is a law enforcement officer and violates the provisions of section
19 544.170 by knowingly:

20 (a) Refusing to release any person in custody who is entitled to such
21 release; or

22 (b) Refusing to permit a person in custody to see and consult with counsel
23 or other persons; or

24 (c) Transferring any person in custody to the custody or control of another,
25 or to another place, for the purpose of avoiding the provisions of that section; or

26 (d) Proffering against any person in custody a false charge for the purpose
27 of avoiding the provisions of that section; or

28 (6) Orders or suggests to an employee of a [county of the first class having
29 a charter form of government with a population over nine hundred thousand and
30 not containing any part of a city of three hundred fifty thousand or more
31 inhabitants] **political subdivision** that such employee shall issue a certain
32 number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other
33 quota basis, except when such employee is assigned exclusively to traffic control
34 and has no other responsibilities or duties.

35 2. The offense of misconduct in the administration of justice is a class A
36 misdemeanor.

575.320. 1. A public servant, in his public capacity or under color of his
2 office or employment, commits the crime of misconduct in administration of
3 justice if:

4 (1) He is charged with the custody of any person accused or convicted of
5 any crime or municipal ordinance violation and he coerces, threatens, abuses or
6 strikes such person for the purpose of securing a confession from him;

7 (2) He knowingly seizes or levies upon any property or dispossesses
8 anyone of any lands or tenements without due and legal process, or other lawful
9 authority;

10 (3) He is a judge and knowingly accepts a plea of guilty from any person
11 charged with a violation of a statute or ordinance at any place other than at the
12 place provided by law for holding court by such judge;

13 (4) He is a jailer or keeper of a county jail and knowingly refuses to

14 receive, in the jail under his charge, any person lawfully committed to such jail
15 on any criminal charge or criminal conviction by any court of this state, or on any
16 warrant and commitment or capias on any criminal charge issued by any court
17 of this state;

18 (5) He is a law enforcement officer and violates the provisions of section
19 544.170 by knowingly;

20 (a) Refusing to release any person in custody who is entitled to such
21 release; or

22 (b) Refusing to permit a person in custody to see and consult with counsel
23 or other persons; or

24 (c) Transferring any person in custody to the custody or control of another,
25 or to another place, for the purpose of avoiding the provisions of that section; or

26 (d) Preferring against any person in custody a false charge for the purpose
27 of avoiding the provisions of that section;

28 (6) He orders or suggests to an employee of a [county of the first class
29 having a charter form of government with a population over nine hundred
30 thousand and not containing any part of a city of three hundred fifty thousand
31 or more inhabitants] **political subdivision** that such employee shall issue a
32 certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly
33 or other quota basis, except when such employee is assigned exclusively to traffic
34 control and has no other responsibilities or duties.

35 2. Misconduct in the administration of justice is a class A misdemeanor.

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