

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 921
98TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, February 25, 2016, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 921, adopted April 6, 2016.

Taken up for Perfection April 6, 2016. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5905S.02P

AN ACT

To repeal sections 43.545, 455.543, and 455.545, RSMo, and to enact in lieu thereof four new sections relating to domestic violence.

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

Section A. Sections 43.545, 455.543, and 455.545, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 43.545,
3 173.2050, 455.543, and 455.545, to read as follows:

43.545. The state highway patrol shall include [in its voluntary system
2 of reporting for compilation in the "Crime in Missouri"] all reported incidents of
3 domestic violence as defined in section 455.010, whether or not an arrest is made,
4 **in its system of reporting for compilation in the annual crime report**
5 **published under section 43.505.** All incidents shall be reported on forms
6 provided by the highway patrol and in a manner prescribed by the patrol.

173.2050. 1. The governing board of each public institution of
2 **higher education in this state shall engage in discussions with law**
3 **enforcement agencies with jurisdiction over the premises of an**
4 **institution to develop and enter into a memorandum of understanding**
5 **concerning sexual assault, domestic violence, dating violence, and**
6 **stalking, as defined in the federal Higher Education Act of 1965, 20**
7 **U.S.C. Section 1092(f), involving students both on and off campus.**

8 **2. The memorandum of understanding shall contain detailed**
9 **policies and protocols regarding sexual assault, domestic violence,**

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

10 **dating violence, and stalking involving a student that comport with**
11 **best practices and current professional practices. At a minimum, the**
12 **memorandum shall set out procedural requirements for the reporting**
13 **of an offense, protocol for establishing who has jurisdiction over an**
14 **offense, and criteria for determining when an offense is to be reported**
15 **to law enforcement.**

16 **3. The department of public safety in cooperation with the**
17 **department of higher education shall promulgate rules and regulations**
18 **to facilitate the implementation of this section. Any rule or portion of**
19 **a rule, as that term is defined in section 536.010, that is created under**
20 **the authority delegated in this section shall become effective only if it**
21 **complies with and is subject to all of the provisions of chapter 536 and,**
22 **if applicable, section 536.028. This section and chapter 536 are**
23 **nonseverable, and if any of the powers vested with the general**
24 **assembly pursuant to chapter 536 to review, to delay the effective date,**
25 **or to disapprove and annul a rule are subsequently held**
26 **unconstitutional, then the grant of rulemaking authority and any rule**
27 **proposed or adopted after August 28, 2016, shall be invalid and void.**

455.543. 1. In any incident investigated by a law enforcement agency
2 involving a homicide or suicide, the law enforcement agency shall make a
3 determination as to whether the homicide or suicide is related to domestic
4 violence.

5 2. In making such determination, the local law enforcement agency may
6 consider a number of factors including, but not limited to, the following:

7 (1) If the relationship between the perpetrator and the victim is or was
8 that of a family or household member;

9 (2) Whether the victim or perpetrator had previously filed for an order of
10 protection;

11 (3) Whether any of the subjects involved in the incident had previously
12 been investigated for incidents of domestic violence; and

13 (4) Any other evidence regarding the homicide or suicide that assists the
14 agency in making its determination.

15 3. After making a determination as to whether the homicide or suicide is
16 related to domestic violence, the law enforcement agency shall forward the
17 information required [within fifteen days] to the Missouri state highway patrol
18 on a form or format approved by the patrol. The required information shall

19 include the gender and age of the victim, the type of incident investigated, the
20 disposition of the incident and the relationship of the victim to the
21 perpetrator. The state highway patrol shall develop a form for this purpose
22 which shall be distributed by the department of public safety to all law
23 enforcement agencies by October 1, 2000. [Completed forms shall be forwarded
24 to the highway patrol without undue delay as required by section 43.500; except
25 that all such reports shall be forwarded no later than seven days after an incident
26 is determined or identified as a homicide or suicide involving domestic violence.]

455.545. The highway patrol shall compile an annual report of homicides
2 and suicides related to domestic violence. Such report shall be presented by
3 [February] **March** first of the subsequent year to the governor, speaker of the
4 house of representatives, and president pro tempore of the senate.

✓

Bill

Copy