

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 774
95TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, February 25, 2010, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 774, adopted March 2, 2010.

Taken up for Perfection March 2, 2010. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4370S.02P

AN ACT

To repeal section 630.220, RSMo, and to enact in lieu thereof two new sections relating to department of mental health protection measures, with penalty provisions.

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

Section A. Section 630.220, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 565.086 and 630.220, to read as
3 follows:

**565.086. 1. An offender commits the crime of endangering a
2 department of mental health employee, a visitor or other person at a
3 secure facility, or another offender if he or she attempts to cause or
4 knowingly causes such individual to come into contact with blood,
5 seminal fluid, urine, feces, or saliva.**

6 **2. For purposes of this section, the following terms mean:**

7 **(1) "Department of mental health employee", a person who is an
8 employee of the department of mental health, an employee or
9 contracted employee of a subcontractor of the department of mental
10 health, or an employee or contracted employee of a subcontractor of an
11 entity responsible for confining offenders as authorized by section
12 632.495;**

13 **(2) "Offender", persons ordered to the department of mental
14 health after a determination by the court that such persons may meet**

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

15 the definition of a sexually violent predator, persons ordered to the
16 department of mental health after a finding of probable cause under
17 section 632.489, and persons committed for control, care, and treatment
18 by the department of mental health under sections 632.480 to 632.513;

19 (3) "Secure facility", a facility operated by the department of
20 mental health or an entity responsible for confining offenders as
21 authorized by section 632.495.

22 3. Endangering a department of mental health employee, a
23 visitor or other person at a secure facility, or another offender is a
24 class D felony unless the substance is unidentified, in which case it is
25 a class A misdemeanor. If an offender is knowingly infected with the
26 human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and
27 exposes another individual to HIV or hepatitis B or hepatitis C by
28 committing the crime of endangering a department of mental health
29 employee, a visitor or other person at a mental health facility, or
30 another offender, it is a class C felony.

630.220. For all debts and demands whatsoever to any of the residential
2 facilities or day programs subject to the control of the department, and for all
3 damages for failure of contract, for trespass and other wrongs to a facility
4 operated by the department, or any of its property thereof, real or personal,
5 actions in any court of competent jurisdiction may be maintained in the name of
6 the director. Interest shall be recovered on any and all sums due any facility or
7 program operated or funded by the department on account of any patient or
8 resident thereof, the account therefor, certified by the [head of the facility, with
9 the seal of the institution attached,] **director or his or her designee** shall be
10 prima facie evidence of the amount due.