

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 852

97TH GENERAL ASSEMBLY

2014

5816S.05T

AN ACT

To repeal sections 84.340, 105.935, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.243, 300.320, 334.950 and 571.030, RSMo, and to enact in lieu thereof ten new sections relating to public safety, with penalty provisions.

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

Section A. Sections 84.340, 105.935, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.243, 300.320, 334.950 and 571.030, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 44.095, 84.340, 105.935, 191.630, 191.631, 287.243, 334.950, 571.030, 590.750, and 632.520, to read as follows:

44.095. 1. As used in this section, the following terms mean:

(1) "Critical incident", an incident that could result in serious physical injury or loss of life;

(2) "Kansas border counties", the counties of Johnson, Leavenworth, Miami, and Wyandotte;

(3) "Law enforcement mutual aid region", the nine counties of the Kansas City Metropolitan area as identified by the Mid-America Regional Council (MARC). Those counties include Kansas border counties and Missouri border counties as defined in this section;

(4) "Missouri border counties", the counties of Platte, Clay, Ray, Jackson and Cass.

2. All law enforcement officers in the law enforcement mutual aid region shall be permitted in critical incidents to respond to lawful

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

14 requests for aid in any other jurisdiction in the law enforcement
15 mutual aid region.

16 3. The on-scene incident commander as defined by the National
17 Incident Management System shall have the authority to make a
18 request for assistance in a critical incident and shall be responsible for
19 on-scene management until command authority is transferred to
20 another person.

21 4. In the event that an officer makes an arrest or apprehension
22 outside his or her home state, the offender shall be delivered to the
23 first officer who is commissioned in the jurisdiction in which the arrest
24 was made.

25 5. For the purposes of liability, all members of any political
26 subdivision or public safety agency responding under operational
27 control of the requesting political subdivision or public safety agency
28 are deemed employees of such responding political subdivision or
29 public safety agency and are subject to the liability and workers'
30 compensation provisions provided to them as employees of their
31 respective political subdivision or public safety agency. Qualified
32 immunity, sovereign immunity, official immunity, and the public duty
33 rule shall apply to the provisions of this section as interpreted by the
34 federal and state courts of the responding agency.

35 6. If the director of the Missouri department of public safety
36 determines that the state of Kansas has enacted legislation or the
37 governor of Kansas has issued an executive order or similar action that
38 permits Kansas border counties to enter into a similar mutual-aid
39 agreement as described under this section, then the director shall
40 execute and deliver to the governor, the speaker of the house of
41 representatives, and the president pro tempore of the senate a written
42 certification of such determination. Upon the execution and delivery
43 of such written certification and the parties receiving such
44 certification providing a unanimous written affirmation, the provisions
45 of this section shall be effective unless otherwise provided by law.

46 7. The director of the Missouri department of public safety shall
47 notify the revisor of statutes of any changes that would render the
48 provisions of this section effective.

84.340. Except as provided under section 590.750, the police
2 commissioner of the said cities shall have power to regulate and license all

3 private watchmen, private detectives and private policemen, serving or acting as
4 such in said cities, and no person shall act as such private watchman, private
5 detective or private policeman in said cities without first having obtained the
6 written license of the president or acting president of said police commissioners
7 of the said cities, under pain of being guilty of a misdemeanor.

105.935. 1. Any state employee who has accrued any overtime hours may
2 choose to use those hours as compensatory leave time provided that the leave
3 time is available and agreed upon by both the state employee and his or her
4 supervisor.

5 2. A state employee who is a nonexempt employee pursuant to the
6 provisions of the Fair Labor Standards Act shall be eligible for payment of
7 overtime in accordance with subsection [4] 5 of this section. A nonexempt state
8 employee who works on a designated state holiday shall be granted equal
9 compensatory time off duty or shall receive, at his or her choice, the employee's
10 straight time hourly rate in cash payment. A nonexempt state employee shall be
11 paid in cash for overtime unless the employee requests compensatory time off at
12 the applicable overtime rate. As used in this section, the term "state employee"
13 means any person who is employed by the state and earns a salary or wage in a
14 position normally requiring the actual performance by him or her of duties on
15 behalf of the state, but shall not include any employee who is exempt under the
16 provisions of the Fair Labor Standards Act or any employee of the general
17 assembly.

18 3. Beginning on January 1, 2006, and annually thereafter each
19 department shall pay all nonexempt state employees in full for any overtime
20 hours accrued during the previous calendar year which have not already been
21 paid or used in the form of compensatory leave time. All nonexempt state
22 employees shall have the option of retaining up to a total of eighty compensatory
23 time hours.

24 **4. Missouri department of corrections employees classified as a**
25 **corrections officer I or a corrections officer II who have accrued any**
26 **overtime hours may choose to use those hours as compensatory leave**
27 **time, provided that the leave time is available and agreed on by such**
28 **employee and his or her supervisor. Compensatory time shall be**
29 **considered accrued on completion of time worked in excess of such**
30 **employee's normal assigned shift and it will be the employee's decision**
31 **whether to take the time off or request payment for such hours. All**

32 **employees classified as a corrections officer I or a corrections officer**
33 **II shall have the right to retain up to eighty hours of compensatory**
34 **time at any time during the year.**

35 [4.] 5. The provisions of subsection 2 of this section shall only apply to
36 nonexempt state employees who are otherwise eligible for compensatory time
37 under the Fair Labor Standards Act, excluding employees of the general
38 assembly. Any nonexempt state employee requesting cash payment for overtime
39 worked shall notify such employee's department in writing of such decision and
40 state the number of hours, no less than twenty, for which payment is
41 desired. The department shall pay the employee within the calendar month
42 following the month in which a valid request is made. Nothing in this section
43 shall be construed as creating a new compensatory benefit for state employees.

44 [5.] 6. Each department shall, by November first of each year, notify the
45 commissioner of administration, the house budget committee chair, and the
46 senate appropriations committee chair of the amount of overtime paid in the
47 previous fiscal year and an estimate of overtime to be paid in the current fiscal
48 year. The fiscal year estimate for overtime pay to be paid by each department
49 shall be designated as a separate line item in the appropriations bill for that
50 department. The provisions of this subsection shall become effective July 1, 2005.

51 [6.] 7. Each state department shall report quarterly to the house of
52 representatives budget committee chair, the senate appropriations committee
53 chair, and the commissioner of administration the cumulative number of accrued
54 overtime hours for department employees, the dollar equivalent of such overtime
55 hours, the number of authorized full-time equivalent positions and vacant
56 positions, the amount of funds for any vacant positions which will be used to pay
57 overtime compensation for employees with full-time equivalent positions, and the
58 current balance in the department's personal service fund.

59 [7.] 8. This section is applicable to overtime earned under the Fair Labor
60 Standards Act. This section is applicable to employees who are employed in
61 nonexempt positions providing direct client care or custody in facilities operating
62 on a twenty-four-hour seven-day-a-week basis in the department of corrections,
63 the department of mental health, the division of youth services of the department
64 of social services, and the veterans commission of the department of public safety.

191.630. As used in sections 191.630 and 191.631, the following terms
2 mean:

3 (1) ["Care provider", a person who is employed as an emergency medical

4 care provider, firefighter, or police officer;

5 (2) "Contagious or infectious disease", hepatitis in any form and any other
6 communicable disease as defined in section 192.800, except AIDS or HIV infection
7 as defined in section 191.650, determined to be life-threatening to a person
8 exposed to the disease as established by rules adopted by the department, in
9 accordance with guidelines of the Centers for Disease Control and Prevention of
10 the Department of Health and Human Services] **"Communicable disease",**
11 **acquired immunodeficiency syndrome (AIDS), cutaneous anthrax,**
12 **hepatitis in any form, human immunodeficiency virus (HIV), measles,**
13 **meningococcal disease, mumps, pertussis, pneumonic plague, rubella,**
14 **severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis,**
15 **varicella disease, vaccinia, viral hemorrhagic fevers, and other such**
16 **diseases as the department may define by rule or regulation;**

17 (2) **"Communicable disease tests", tests designed for detection of**
18 **communicable diseases. Rapid testing of the source patient in**
19 **accordance with the Occupational Safety and Health Administration**
20 **(OSHA) enforcement of the Centers for Disease Control and Prevention**
21 **(CDC) guidelines shall be recommended;**

22 (3) **"Coroner or medical examiner", the same meaning as defined**
23 **in chapter 58;**

24 [(3)] (4) "Department", the Missouri department of health and senior
25 services;

26 [(4)] (5) **"Designated infection control officer", the person or**
27 **persons within the entity or agency who are responsible for managing**
28 **the infection control program and for coordinating efforts surrounding**
29 **the investigation of an exposure such as:**

30 (a) **Collecting, upon request, facts surrounding possible exposure**
31 **of an emergency care provider or Good Samaritan to a communicable**
32 **disease;**

33 (b) **Contacting facilities that receive patients or clients of**
34 **potentially exposed emergency care providers or Good Samaritans to**
35 **ascertain if a determination has been made as to whether the patient**
36 **or client has had a communicable disease and to ascertain the results**
37 **of that determination; and**

38 (c) **Notifying the emergency care provider or Good Samaritan as**
39 **to whether there is reason for concern regarding possible exposure;**

40 (6) **"Emergency [medical] care provider", a person who is serving as**

41 a licensed or certified person trained to provide emergency and nonemergency
42 medical care as a first responder, **emergency responder**, EMT-B, EMT-I, or
43 EMT-P as defined in section 190.100, **firefighter, law enforcement officer,**
44 **sheriff, deputy sheriff, registered nurse, physician, medical helicopter**
45 **pilot**, or other certification or licensure levels adopted by rule of the department;

46 [(5)] (7) "Exposure", a specific eye, mouth, other mucous membrane,
47 nonintact skin, or parenteral contact with blood or other potentially infectious
48 materials that results from the performance of an employee's duties;

49 [(6)] "HIV", the same meaning as defined in section 191.650;

50 [(7)] (8) "**Good Samaritan**", **any person who renders emergency**
51 **medical assistance or aid within his or her level of training or skill**
52 **until such time as he or she is relieved of those duties by an emergency**
53 **care provider**;

54 (9) "Hospital", the same meaning as defined in section 197.020;

55 (10) "**Source patient**", **any person who is sick or injured and**
56 **requiring the care or services of a Good Samaritan or emergency care**
57 **provider, for whose blood or other potentially infectious materials have**
58 **resulted in exposure.**

191.631. 1. (1) Notwithstanding any other law to the contrary, if [a] **an**
2 **emergency care provider or a Good Samaritan** sustains an exposure from a
3 person while rendering emergency health care services, the person to whom the
4 **emergency care provider or Good Samaritan** was exposed is deemed to
5 consent to a test to determine if the person has a [contagious or infectious]
6 **communicable** disease and is deemed to consent to notification of the
7 **emergency care provider or the Good Samaritan** of the results of the test,
8 upon submission of an exposure report by the **emergency care provider or the**
9 **Good Samaritan** to the hospital where the person is delivered by the
10 **emergency care provider.**

11 (2) The hospital where the [person] **source patient** is delivered shall
12 conduct the test. The sample and test results shall only be identified by a number
13 and shall not otherwise identify the person tested.

14 (3) A hospital shall have written policies and procedures for notification
15 of [a] **an emergency care provider or Good Samaritan** pursuant to this
16 section. **The hospital shall include local representation of designated**
17 **infection control officers during the process to develop or review such**
18 **policies. The policies shall be substantially the same as those in place**

19 **for notification of hospital employees.** The policies and procedures shall
20 include designation of a representative of the **emergency** care provider to whom
21 notification shall be provided and who shall, in turn, notify the **emergency** care
22 provider. The identity of the designated [representative] **local infection**
23 **control officer** of the **emergency** care provider shall not be disclosed to the
24 [person] **source patient** tested. The designated [representative] **local**
25 **infection control officer** shall inform the hospital of those parties who receive
26 the notification, and following receipt of such information and upon request of the
27 person tested, the hospital shall inform the person of the parties to whom
28 notification was provided.

29 **(4) A coroner and medical examiner shall have written policies**
30 **and procedures for notification of an emergency care provider and**
31 **Good Samaritan pursuant to this section. The coroner or medical**
32 **examiner shall include local representation of a designated infection**
33 **control officer during the process to develop or review such**
34 **policies. The policies shall be substantially the same as those in place**
35 **for notification of coroner or medical examiner employees. The policies**
36 **and procedures shall include designation of a representative of the**
37 **emergency care providers to whom notification shall be provided and**
38 **who shall, in turn, notify the emergency care provider. The identity of**
39 **the designated local infection control officer of the emergency care**
40 **provider shall not be disclosed to the source patient tested. The**
41 **designated local infection control officer shall inform the coroner or**
42 **medical examiner of those parties who receive the notification, and**
43 **following receipt of such information and upon request of the person**
44 **tested, the coroner or medical examiner shall inform the person of the**
45 **parties to whom notification was provided.**

46 2. If a person tested is diagnosed or confirmed as having a [contagious or
47 infectious] **communicable** disease pursuant to this section, the hospital,
48 **coroner, or medical examiner** shall notify the **emergency** care provider,
49 **Good Samaritan** or the designated [representative] **local infection control**
50 **officer** of the **emergency** care provider who shall then notify the care provider.

51 3. The notification to the **emergency** care provider **or the Good**
52 **Samaritan** shall advise the **emergency** care provider **or the Good Samaritan**
53 of possible exposure to a particular [contagious or infectious] **communicable**
54 disease and recommend that the **emergency** care provider **or Good Samaritan**

55 seek medical attention. The notification shall be provided as soon as is
56 reasonably possible following determination that the individual has a [contagious
57 or infectious] **communicable** disease. The notification shall not include the
58 name of the person tested for the [contagious or infectious] **communicable**
59 disease unless the person consents. If the **emergency** care provider **or Good**
60 **Samaritan** who sustained an exposure determines the identity of the person
61 diagnosed or confirmed as having a [contagious or infectious] **communicable**
62 disease, the identity of the person shall be confidential information and shall not
63 be disclosed by the **emergency** care provider **or the Good Samaritan** to any
64 other individual unless a specific written release is obtained by the person
65 diagnosed with or confirmed as having a [contagious or infectious]
66 **communicable** disease.

67 4. This section does not require or permit, unless otherwise provided, a
68 hospital to administer a test for the express purpose of determining the presence
69 of a [contagious or infectious] **communicable** disease; except that testing may
70 be performed if the person consents and if the requirements of this section are
71 satisfied.

72 5. This section does not preclude a hospital, **coroner, or medical**
73 **examiner** from providing notification to [a] **an emergency** care provider **or**
74 **Good Samaritan** under circumstances in which the hospital's, **coroner's, or**
75 **medical examiner's** policy provides for notification of the hospital's, **coroner's,**
76 **or medical examiner's** own employees of exposure to a [contagious or
77 infectious] **communicable** disease that is not life-threatening if the notice does
78 not reveal a patient's name, unless the patient consents.

79 6. A hospital, **coroner, or medical examiner** participating in good faith
80 in complying with the provisions of this section is immune from any liability, civil
81 or criminal, which may otherwise be incurred or imposed.

82 7. A hospital's duty of notification pursuant to this section is not
83 continuing but is limited to diagnosis of a [contagious or infectious]
84 **communicable** disease made in the course of admission, care, and treatment
85 following the rendering of health care services to which notification pursuant to
86 this section applies.

87 8. A hospital, **coroner, or medical examiner** that performs a test in
88 compliance with this section or that fails to perform a test authorized pursuant
89 to this section is immune from any liability, civil or criminal, which may
90 otherwise be incurred or imposed.

91 9. [A hospital has no duty to perform the test authorized.

92 10.] The department shall adopt rules to implement this section. The
93 department may determine by rule the [contagious or infectious] **communicable**
94 diseases for which testing is reasonable and appropriate and which may be
95 administered pursuant to this section. No rule or portion of a rule promulgated
96 under the authority of this section shall become effective unless it has been
97 promulgated pursuant to chapter 536.

98 [11.] 10. The [employer of a] **agency which employs or sponsors the**
99 **emergency** care provider who sustained an exposure pursuant to this section
100 shall pay the costs of testing for the person who is the source of the exposure and
101 of the testing of the **emergency** care provider if the exposure was sustained
102 during the course of [employment] **the provider's expected duties.**

103 11. **All emergency care providers shall respond to and treat any**
104 **patient regardless of the status of the patient's HIV or other**
105 **communicable disease infection.**

106 12. **Ambulance services and emergency medical response**
107 **agencies licensed under chapter 190 shall establish and maintain local**
108 **policies and provide training regarding exposure of personnel to**
109 **patient blood and body fluids as well as general protection from**
110 **communicable diseases. The training provided and the policies**
111 **established shall be in substantial compliance with the appropriate**
112 **CDC and OSHA guidelines.**

113 13. **Hospitals, long-term care facilities licensed under chapter**
114 **198, and other medical facilities and practitioners who transfer**
115 **patients known to have a communicable disease or to be subject to an**
116 **order of quarantine or an order of isolation shall notify the emergency**
117 **care providers who are providing the transportation services of the**
118 **potential risk of exposure to a communicable disease, including**
119 **communicable diseases of a public health threat.**

120 14. **The department shall promulgate regulations regarding all**
121 **of the following:**

122 (1) **The type of exposure that would prompt notification of the**
123 **emergency care provider or Good Samaritan, which shall cover, at a**
124 **minimum, methods of potential transmission of any diseases designated**
125 **under P.L. 101-381 or diseases additionally identified from the**
126 **department's list of communicable diseases;**

127 (2) **The process to be used by the emergency care provider, Good**

128 **Samaritan, licensed facility, coroner, medical examiner, and designated**
129 **infection control officer for the reports required by this section, the**
130 **process to be used to evaluate requests received from emergency care**
131 **providers and Good Samaritans, and for informing emergency care**
132 **providers and Good Samaritans as to their obligations to maintain the**
133 **confidentiality of information received; and**

134 **(3) The method by which emergency care providers and Good**
135 **Samaritans shall be provided information and advice in a timely**
136 **manner related to the risk of infection from communicable diseases as**
137 **a result of aid or medical care.**

287.243. 1. This section shall be known and may be cited as the "Line of
2 Duty Compensation Act".

3 2. As used in this section, unless otherwise provided, the following words
4 shall mean:

5 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in
6 accordance with sections 190.001 to 190.245 and corresponding regulations
7 applicable to air ambulances adopted by the department of health and senior
8 services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;

9 (2) "Air ambulance registered professional nurse", a person licensed as a
10 registered professional nurse in accordance with sections 335.011 to 335.096 and
11 corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4,
12 et seq., who provides registered professional nursing services as a flight nurse in
13 conjunction with an air ambulance program that is certified in accordance with
14 sections 190.001 to 190.245 and the corresponding regulations applicable to such
15 programs;

16 (3) "Emergency medical technician", a person licensed in emergency
17 medical care in accordance with standards prescribed by sections 190.001 to
18 190.245 and by rules adopted by the department of health and senior services
19 under sections 190.001 to 190.245;

20 (4) "Firefighter", any person, including a volunteer firefighter, employed
21 by the state or a local governmental entity as an employer defined under
22 subsection 1 of section 287.030, or otherwise serving as a member or officer of a
23 fire department either for the purpose of the prevention or control of fire or the
24 underwater recovery of drowning victims;

25 (5) "Killed in the line of duty", when [a] **any** person defined in this
26 section loses [one's] **his or her** life [as a result of an injury received in the active

27 performance of his or her duties within the ordinary scope of his or her respective
28 profession while the individual is on duty and but for the individual's
29 performance, death would have not occurred] **when:**

30 **(a) Death is caused by an accident or the willful act of violence**
31 **of another;**

32 **(b) The law enforcement officer, emergency medical technician,**
33 **air ambulance pilot, air ambulance registered professional nurse, or**
34 **firefighter is in the active performance of his or her duties in his or her**
35 **respective profession and there is a relationship between the accident**
36 **or commission of the act of violence and the performance of the duty,**
37 **even if the individual is off duty; the law enforcement officer,**
38 **emergency medical technician, air ambulance pilot, air ambulance**
39 **registered professional nurse, or firefighter is traveling to or from**
40 **employment; or the law enforcement officer, emergency medical**
41 **technician, air ambulance pilot, air ambulance registered professional**
42 **nurse, or firefighter is taking any meal break or other break which**
43 **takes place while that individual is on duty;**

44 **(c) Death is the natural and probable consequence of the injury;**
45 **and**

46 **(d) Death occurs within three hundred weeks from the date the**
47 **injury was received.**

48 The term excludes death resulting from the willful misconduct or intoxication of
49 the law enforcement officer, emergency medical technician, air ambulance pilot,
50 air ambulance registered professional nurse, or firefighter. The division of
51 workers' compensation shall have the burden of proving such willful misconduct
52 or intoxication;

53 (6) "Law enforcement officer", any person employed by the state or a local
54 governmental entity as a police officer, peace officer certified under chapter 590,
55 or serving as an auxiliary police officer or in some like position involving the
56 enforcement of the law and protection of the public interest at the risk of that
57 person's life;

58 (7) "Local governmental entity", includes counties, municipalities,
59 townships, board or other political subdivision, cities under special charter, or
60 under the commission form of government, fire protection districts, ambulance
61 districts, and municipal corporations;

62 (8) "State", the state of Missouri and its departments, divisions, boards,

63 bureaus, commissions, authorities, and colleges and universities;

64 (9) "Volunteer firefighter", a person having principal employment other
65 than as a firefighter, but who is carried on the rolls of a regularly constituted fire
66 department either for the purpose of the prevention or control of fire or the
67 underwater recovery of drowning victims, the members of which are under the
68 jurisdiction of the corporate authorities of a city, village, incorporated town, or
69 fire protection district. Volunteer firefighter shall not mean an individual who
70 volunteers assistance without being regularly enrolled as a firefighter.

71 3. (1) A claim for compensation under this section shall be filed by the
72 estate of the deceased with the division of workers' compensation not later than
73 one year from the date of death of a law enforcement officer, emergency medical
74 technician, air ambulance pilot, air ambulance registered professional nurse, or
75 firefighter. If a claim is made within one year of the date of death of a law
76 enforcement officer, emergency medical technician, air ambulance pilot, air
77 ambulance registered professional nurse, or firefighter killed in the line of duty,
78 compensation shall be paid, if the division finds that the claimant is entitled to
79 compensation under this section.

80 (2) The amount of compensation paid to the claimant shall be twenty-five
81 thousand dollars, subject to appropriation, for death occurring on or after June
82 19, 2009.

83 4. Notwithstanding subsection 3 of this section, no compensation is
84 payable under this section unless a claim is filed within the time specified under
85 this section setting forth:

86 (1) The name, address, and title or designation of the position in which
87 the law enforcement officer, emergency medical technician, air ambulance pilot,
88 air ambulance registered professional nurse, or firefighter was serving at the time
89 of his or her death;

90 (2) The name and address of the claimant;

91 (3) A full, factual account of the circumstances resulting in or the course
92 of events causing the death at issue; and

93 (4) Such other information that is reasonably required by the division.

94 When a claim is filed, the division of workers' compensation shall make an
95 investigation for substantiation of matters set forth in the application.

96 5. The compensation provided for under this section is in addition to, and
97 not exclusive of, any pension rights, death benefits, or other compensation the
98 claimant may otherwise be entitled to by law.

99 6. Neither employers nor workers' compensation insurers shall have
100 subrogation rights against any compensation awarded for claims under this
101 section. Such compensation shall not be assignable, shall be exempt from
102 attachment, garnishment, and execution, and shall not be subject to setoff or
103 counterclaim, or be in any way liable for any debt, except that the division or
104 commission may allow as lien on the compensation, reasonable attorney's fees for
105 services in connection with the proceedings for compensation if the services are
106 found to be necessary. Such fees are subject to regulation as set forth in section
107 287.260.

108 7. Any person seeking compensation under this section who is aggrieved
109 by the decision of the division of workers' compensation regarding his or her
110 compensation claim, may make application for a hearing as provided in section
111 287.450. The procedures applicable to the processing of such hearings and
112 determinations shall be those established by this chapter. Decisions of the
113 administrative law judge under this section shall be binding, subject to review by
114 either party under the provisions of section 287.480.

115 8. Pursuant to section 23.253 of the Missouri sunset act:

116 (1) The provisions of the new Bill authorized under this section shall
117 automatically sunset six years after June 19, [2009] **2019**, unless reauthorized
118 by an act of the general assembly; and

119 (2) If such program is reauthorized, the program authorized under this
120 section shall automatically sunset twelve years after the effective date of the
121 reauthorization of this section; and

122 (3) This section shall terminate on September first of the calendar year
123 immediately following the calendar year in which the program authorized under
124 this section is sunset.

125 9. The provisions of this section, unless specified, shall not be subject to
126 other provisions of this chapter.

127 10. There is hereby created in the state treasury the "Line of Duty
128 Compensation Fund", which shall consist of moneys appropriated to the fund and
129 any voluntary contributions, gifts, or bequests to the fund. The state treasurer
130 shall be custodian of the fund and shall approve disbursements from the fund in
131 accordance with sections 30.170 and 30.180. Upon appropriation, money in the
132 fund shall be used solely for paying claims under this section. Notwithstanding
133 the provisions of section 33.080 to the contrary, any moneys remaining in the
134 fund at the end of the biennium shall not revert to the credit of the general

135 revenue fund. The state treasurer shall invest moneys in the fund in the same
136 manner as other funds are invested. Any interest and moneys earned on such
137 investments shall be credited to the fund.

138 11. The division shall promulgate rules to administer this section,
139 including but not limited to the appointment of claims to multiple claimants,
140 record retention, and procedures for information requests. Any rule or portion
141 of a rule, as that term is defined in section 536.010, that is created under the
142 authority delegated in this section shall become effective only if it complies with
143 and is subject to all of the provisions of chapter 536 and, if applicable, section
144 536.028. This section and chapter 536 are nonseverable and if any of the powers
145 vested with the general assembly under chapter 536 to review, to delay the
146 effective date, or to disapprove and annul a rule are subsequently held
147 unconstitutional, then the grant of rulemaking authority and any rule proposed
148 or adopted after June 19, 2009, shall be invalid and void.

334.950. 1. As used in this section, the following terms shall mean:

2 (1) "Child abuse medical resource centers", medical institutions affiliated
3 with accredited children's hospitals or recognized institutions of higher education
4 with accredited medical school programs that provide training, support,
5 mentoring, and peer review to SAFE CARE providers in Missouri;

6 (2) "SAFE CARE provider", a physician, advanced practice nurse, or
7 physician's assistant licensed in this state who provides medical diagnosis and
8 treatment to children suspected of being victims of abuse and who receives:

9 (a) Missouri-based initial intensive training regarding child maltreatment
10 from the SAFE CARE network;

11 (b) Ongoing update training on child maltreatment from the SAFE CARE
12 network;

13 (c) Peer review and new provider mentoring regarding the forensic
14 evaluation of children suspected of being victims of abuse from the SAFE CARE
15 network;

16 (3) "Sexual assault forensic examination child abuse resource education
17 network" or "SAFE CARE network", a network of SAFE CARE providers and
18 child abuse medical resource centers that collaborate to provide forensic
19 evaluations, medical training, support, mentoring, and peer review for SAFE
20 CARE providers for the medical evaluation of child abuse victims in this state to
21 improve outcomes for children who are victims of or at risk for child
22 maltreatment by enhancing the skills and role of the medical provider in a

23 multidisciplinary context.

24 2. Child abuse medical resource centers may collaborate directly or
25 through the use of technology with SAFE CARE providers to promote improved
26 services to children who are suspected victims of abuse that will need to have a
27 forensic medical evaluation conducted by providing specialized training for
28 forensic medical evaluations for children conducted in a hospital, child advocacy
29 center, or by a private health care professional without the need for a
30 collaborative agreement between the child abuse medical resource center and a
31 SAFE CARE provider.

32 3. SAFE CARE providers who are a part of the SAFE CARE network in
33 Missouri may collaborate directly or through the use of technology with other
34 SAFE CARE providers and child abuse medical resource centers to promote
35 improved services to children who are suspected victims of abuse that will need
36 to have a forensic medical evaluation conducted by providing specialized training
37 for forensic medical evaluations for children conducted in a hospital, child
38 advocacy center, or by a private health care professional without the need for a
39 collaborative agreement between the child abuse medical resource center and a
40 SAFE CARE provider.

41 4. The SAFE CARE network shall develop recommendations concerning
42 medically based screening processes and forensic evidence collection for children
43 who may be in need of an emergency examination following an alleged sexual
44 assault. Such recommendations shall be provided to the SAFE CARE providers,
45 child advocacy centers, hospitals and licensed practitioners that provide
46 emergency examinations for children suspected of being victims of abuse.

47 **5. The department of public safety shall establish rules and make**
48 **payments to SAFE CARE providers, out of appropriations made for that**
49 **purpose, who provide forensic examinations of persons under eighteen**
50 **years of age who are alleged victims of physical abuse.**

51 **6. The department shall establish maximum reimbursement rates**
52 **for charges submitted under this section, which shall reflect the**
53 **reasonable cost of providing the forensic exam.**

54 **7. The department shall only reimburse providers for forensic**
55 **evaluations and case reviews. The department shall not reimburse**
56 **providers for medical procedures, facility fees, supplies or**
57 **laboratory/radiology tests.**

58 **8. In order for the department to provide reimbursement, the**

59 **child shall be the subject of a child abuse investigation or reported to**
60 **the children's division as a result of the examination.**

61 **9. A minor may consent to examination under this section. Such**
62 **consent is not subject to disaffirmance because of the individual's**
63 **status as a minor, and the consent of a parent or guardian of the minor**
64 **is not required for such examination.**

571.030. 1. A person commits the crime of unlawful use of weapons if he
2 or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or
8 structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily
10 capable of lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his
12 or her person, while he or she is intoxicated, and handles or otherwise uses such
13 firearm or projectile weapon in either a negligent or unlawful manner or
14 discharges such firearm or projectile weapon unless acting in self-defense; or

15 (6) Discharges a firearm within one hundred yards of any occupied
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,
18 on, along or across a public highway or discharges or shoots a firearm into any
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use
21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, discharges or shoots a firearm at any person, or at any other
27 motor vehicle, or at any building or habitable structure, unless the person was
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon
30 readily capable of lethal use into any school, onto any school bus, or onto the

31 premises of any function or activity sponsored or sanctioned by school officials or
32 the district school board.

33 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
34 apply to the persons described in this subsection, regardless of whether such uses
35 are reasonably associated with or are necessary to the fulfillment of such person's
36 official duties except as otherwise provided in this subsection. Subdivisions (3),
37 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any
38 of the following persons, when such uses are reasonably associated with or are
39 necessary to the fulfillment of such person's official duties, except as otherwise
40 provided in this subsection:

41 (1) All state, county and municipal peace officers who have completed the
42 training required by the police officer standards and training commission
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
44 arrest for violation of the general criminal laws of the state or for violation of
45 ordinances of counties or municipalities of the state, whether such officers are on
46 or off duty, and whether such officers are within or outside of the law
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined
48 in subsection 11 of this section, and who carry the identification defined in
49 subsection 12 of this section, or any person summoned by such officers to assist
50 in making arrests or preserving the peace while actually engaged in assisting
51 such officer;

52 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails
53 and other institutions for the detention of persons accused or convicted of crime;

54 (3) Members of the Armed Forces or National Guard while performing
55 their official duty;

56 (4) Those persons vested by article V, section 1 of the Constitution of
57 Missouri with the judicial power of the state and those persons vested by Article
58 III of the Constitution of the United States with the judicial power of the United
59 States, the members of the federal judiciary;

60 (5) Any person whose bona fide duty is to execute process, civil or
61 criminal;

62 (6) Any federal probation officer or federal flight deck officer as defined
63 under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless
64 of whether such officers are on duty, or within the law enforcement agency's
65 jurisdiction;

66 (7) Any state probation or parole officer, including supervisors and

67 members of the board of probation and parole;

68 (8) Any corporate security advisor meeting the definition and fulfilling the
69 requirements of the regulations established by the [board of police commissioners
70 under section 84.340] **department of public safety under section 590.750**;

71 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
72 examiner;

73 (10) Any prosecuting attorney or assistant prosecuting attorney or any
74 circuit attorney or assistant circuit attorney who has completed the firearms
75 safety training course required under subsection 2 of section 571.111;

76 (11) Any member of a fire department or fire protection district who is
77 employed on a full-time basis as a fire investigator and who has a valid concealed
78 carry endorsement issued prior to August 28, 2013, or a valid concealed carry
79 permit under section 571.111 when such uses are reasonably associated with or
80 are necessary to the fulfillment of such person's official duties; and

81 (12) Upon the written approval of the governing body of a fire department
82 or fire protection district, any paid fire department or fire protection district chief
83 who is employed on a full-time basis and who has a valid concealed carry
84 endorsement, when such uses are reasonably associated with or are necessary to
85 the fulfillment of such person's official duties.

86 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
87 apply when the actor is transporting such weapons in a nonfunctioning state or
88 in an unloaded state when ammunition is not readily accessible or when such
89 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
90 does not apply to any person twenty-one years of age or older or eighteen years
91 of age or older and a member of the United States Armed Forces, or honorably
92 discharged from the United States Armed Forces, transporting a concealable
93 firearm in the passenger compartment of a motor vehicle, so long as such
94 concealable firearm is otherwise lawfully possessed, nor when the actor is also in
95 possession of an exposed firearm or projectile weapon for the lawful pursuit of
96 game, or is in his or her dwelling unit or upon premises over which the actor has
97 possession, authority or control, or is traveling in a continuous journey peaceably
98 through this state. Subdivision (10) of subsection 1 of this section does not apply
99 if the firearm is otherwise lawfully possessed by a person while traversing school
100 premises for the purposes of transporting a student to or from school, or
101 possessed by an adult for the purposes of facilitation of a school-sanctioned
102 firearm-related event or club event.

103 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
104 apply to any person who has a valid concealed carry permit issued pursuant to
105 sections 571.101 to 571.121, a valid concealed carry endorsement issued before
106 August 28, 2013, or a valid permit or endorsement to carry concealed firearms
107 issued by another state or political subdivision of another state.

108 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this
109 section shall not apply to persons who are engaged in a lawful act of defense
110 pursuant to section 563.031.

111 6. Notwithstanding any provision of this section to the contrary, the state
112 shall not prohibit any state employee from having a firearm in the employee's
113 vehicle on the state's property provided that the vehicle is locked and the firearm
114 is not visible. This subsection shall only apply to the state as an employer when
115 the state employee's vehicle is on property owned or leased by the state and the
116 state employee is conducting activities within the scope of his or her
117 employment. For the purposes of this subsection, "state employee" means an
118 employee of the executive, legislative, or judicial branch of the government of the
119 state of Missouri.

120 7. Nothing in this section shall make it unlawful for a student to actually
121 participate in school-sanctioned gun safety courses, student military or ROTC
122 courses, or other school-sponsored or club-sponsored firearm-related events,
123 provided the student does not carry a firearm or other weapon readily capable of
124 lethal use into any school, onto any school bus, or onto the premises of any other
125 function or activity sponsored or sanctioned by school officials or the district
126 school board.

127 8. Unlawful use of weapons is a class D felony unless committed pursuant
128 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a
129 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in
130 which case it is a class A misdemeanor if the firearm is unloaded and a class D
131 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,
132 in which case it is a class B felony, except that if the violation of subdivision (9)
133 of subsection 1 of this section results in injury or death to another person, it is
134 a class A felony.

135 9. Violations of subdivision (9) of subsection 1 of this section shall be
136 punished as follows:

137 (1) For the first violation a person shall be sentenced to the maximum
138 authorized term of imprisonment for a class B felony;

139 (2) For any violation by a prior offender as defined in section 558.016, a
140 person shall be sentenced to the maximum authorized term of imprisonment for
141 a class B felony without the possibility of parole, probation or conditional release
142 for a term of ten years;

143 (3) For any violation by a persistent offender as defined in section
144 558.016, a person shall be sentenced to the maximum authorized term of
145 imprisonment for a class B felony without the possibility of parole, probation, or
146 conditional release;

147 (4) For any violation which results in injury or death to another person,
148 a person shall be sentenced to an authorized disposition for a class A felony.

149 10. Any person knowingly aiding or abetting any other person in the
150 violation of subdivision (9) of subsection 1 of this section shall be subject to the
151 same penalty as that prescribed by this section for violations by other persons.

152 11. Notwithstanding any other provision of law, no person who pleads
153 guilty to or is found guilty of a felony violation of subsection 1 of this section shall
154 receive a suspended imposition of sentence if such person has previously received
155 a suspended imposition of sentence for any other firearms- or weapons-related
156 felony offense.

157 12. As used in this section "qualified retired peace officer" means an
158 individual who:

159 (1) Retired in good standing from service with a public agency as a peace
160 officer, other than for reasons of mental instability;

161 (2) Before such retirement, was authorized by law to engage in or
162 supervise the prevention, detection, investigation, or prosecution of, or the
163 incarceration of any person for, any violation of law, and had statutory powers of
164 arrest;

165 (3) Before such retirement, was regularly employed as a peace officer for
166 an aggregate of fifteen years or more, or retired from service with such agency,
167 after completing any applicable probationary period of such service, due to a
168 service-connected disability, as determined by such agency;

169 (4) Has a nonforfeitable right to benefits under the retirement plan of the
170 agency if such a plan is available;

171 (5) During the most recent twelve-month period, has met, at the expense
172 of the individual, the standards for training and qualification for active peace
173 officers to carry firearms;

174 (6) Is not under the influence of alcohol or another intoxicating or

175 hallucinatory drug or substance; and

176 (7) Is not prohibited by federal law from receiving a firearm.

177 13. The identification required by subdivision (1) of subsection 2 of this
178 section is:

179 (1) A photographic identification issued by the agency from which the
180 individual retired from service as a peace officer that indicates that the individual
181 has, not less recently than one year before the date the individual is carrying the
182 concealed firearm, been tested or otherwise found by the agency to meet the
183 standards established by the agency for training and qualification for active peace
184 officers to carry a firearm of the same type as the concealed firearm; or

185 (2) A photographic identification issued by the agency from which the
186 individual retired from service as a peace officer; and

187 (3) A certification issued by the state in which the individual resides that
188 indicates that the individual has, not less recently than one year before the date
189 the individual is carrying the concealed firearm, been tested or otherwise found
190 by the state to meet the standards established by the state for training and
191 qualification for active peace officers to carry a firearm of the same type as the
192 concealed firearm.

**590.750. 1. The department of public safety shall have the sole
2 authority to regulate and license all corporate security advisors. The
3 authority and jurisdiction of a corporate security advisor shall be
4 limited only by the geographical limits of the state, unless the
5 corporate security advisor's license is recognized by the laws or
6 regulations of another state or the federal government.**

**7 2. Acting as a corporate security advisor without a license from
8 the department of public safety is a class A misdemeanor.**

**9 3. The director may promulgate rules to implement the
10 provisions of this section under chapter 536 and section 590.190.**

**11 4. Any corporate security advisor licensed as of February 1, 2014,
12 shall not be required to apply for a new license from the department
13 until the advisor's license expires or is otherwise revoked.**

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

**3 (1) "Employee of the department of mental health", a person who
4 is an employee of the department of mental health, an employee or
5 contracted employee of a subcontractor of the department of mental**

6 health, or an employee or contracted employee of a subcontractor of an
7 entity responsible for confining offenders as authorized by section
8 632.495;

9 (2) "Offender", a person ordered to the department of mental
10 health after a determination by the court that the person meets the
11 definition of a sexually violent predator, a person ordered to the
12 department of mental health after a finding of probable cause under
13 section 632.489, or a person committed for control, care, and treatment
14 by the department of mental health under sections 632.480 to 632.513;

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

18 2. No offender shall knowingly commit violence to an employee
19 of the department of mental health or to another offender housed in a
20 secure facility. Violation of this subsection shall be a class B felony.

21 3. No offender shall knowingly damage any building or other
22 property owned or operated by the department of mental
23 health. Violation of this subsection shall be a class C felony.

[192.800. As used in this section, the following terms mean:

2 (1) "Communicable disease", an illness due to an infectious
3 agent or its toxic products and transmitted directly or indirectly to
4 a susceptible host from an infected person, animal or arthropod or
5 through the agency of an intermediate host or a vector or through
6 the inanimate environment;

7 (2) "Designated officer", an employee of the department or
8 a city or county health officer, or designee, located in or employed
9 by appropriate agencies serving geographical regions and appointed
10 by the director of the department of health and senior services,
11 whose duties consist of:

12 (a) Collecting, upon request, facts surrounding possible
13 exposure of a first responder or Good Samaritan to a communicable
14 disease or infection;

15 (b) Contacting facilities that receive patients or clients of
16 potentially exposed first responders or Good Samaritans to
17 ascertain if a determination has been made as to whether the
18 patient or client has had a communicable disease or infection and

19 to ascertain the results of that determination; and

20 (c) Notifying the first responder or Good Samaritan as to
21 whether or not there is reason for concern regarding possible
22 exposure;

23 (3) "First responder", any person trained and authorized by
24 law or rule to render emergency medical assistance or
25 treatment. Such persons may include, but shall not be limited to,
26 emergency first responders, police officers, sheriffs, deputy sheriffs,
27 firefighters, ambulance attendants and attendant drivers,
28 emergency medical technicians, mobile emergency medical
29 technicians, emergency medical technician-paramedics, registered
30 nurses or physicians;

31 (4) "Good Samaritan", any person who renders emergency
32 medical assistance or aid until such time as relieved of these duties
33 by a first responder;

34 (5) "Licensed facility", a facility licensed under chapter 197
35 or a state medical facility.]

[192.802. The department of health and senior services
2 shall ensure that first responders or Good Samaritans are notified
3 if there is reason to believe an exposure has occurred which may
4 present a significant risk of a communicable disease as a result of
5 attending or transporting a patient to a licensed facility. At the
6 request of any first responder, the licensed facility shall notify any
7 such first responder and at the request of any Good Samaritan, the
8 designated officer shall notify such Good Samaritan. Notification
9 will be made as soon as practicable, but not later than forty-eight
10 hours, to the department of health and senior services or a
11 designated officer.]

[192.804. 1. First responders or Good Samaritans who
2 attended or transported a patient who believe that they may have
3 received an exposure which may present a significant risk of a
4 communicable disease by a patient may provide a written request
5 concerning the suspected exposure to either the licensed facility
6 that received the patient or the designated officer, detailing the
7 nature of the alleged exposure. The form shall inform the first
8 responder or Good Samaritan, in bold print, of the provisions of

9 subsections 1 and 6 of section 191.656 regarding confidentiality and
10 consequences of violation of confidentiality provisions. The first
11 responder or Good Samaritan shall be given a copy of the request
12 form.

13 2. If the licensed facility, designated officer, coroner or
14 medical examiner makes a determination that there was an
15 exposure to a communicable disease, the report to the first
16 responder or Good Samaritan shall provide the name of the
17 communicable disease involved, the date on which the patient was
18 assisted or transported, and any advice or information about the
19 communicable disease as provided by rule by the department of
20 health and senior services and shall, in addition, inform the first
21 responder or the Good Samaritan of the provisions of subsections
22 1 and 6 of section 191.656 regarding confidentiality and
23 consequences of violation of confidentiality provisions. This section
24 shall not be construed to authorize the disclosure of any identifying
25 information with respect to the patient, first responder or Good
26 Samaritan.]

[192.806. 1. The department of health and senior services
2 shall promulgate regulations, pursuant to the provisions of section
3 192.006 and chapter 536, concerning:

4 (1) The type of exposure that would prompt notification of
5 the first responder or Good Samaritan, which shall cover at a
6 minimum, methods of potential transmission of any diseases
7 designated under P.L. 101-381 or diseases additionally identified
8 from the department of health and senior services' list of
9 communicable diseases;

10 (2) The process to be used by the first responder, Good
11 Samaritan, licensed facility, coroner, medical examiner and
12 designated officer for the reports required by this section, the
13 process to be used to evaluate requests received from first
14 responders and Good Samaritans, and for informing first
15 responders and Good Samaritans as to their obligations to
16 maintain the confidentiality of information received;

17 (3) The method by which first responders and Good
18 Samaritans shall be provided information and advice in a timely

19 manner related to the risk of infection from communicable diseases
20 as a result of provision of aid or medical care;

21 (4) The need for employers of first responders to provide
22 training to employees regarding the use of universal precautions.

23 2. All licensed facilities, medical examiners, coroners, first
24 responders and Good Samaritans shall be required to comply with
25 the regulations promulgated pursuant to sections 192.800 to
26 192.808.]

[192.808. 1. Sections 192.800 to 192.808 shall not be
2 construed to authorize or require a licensed facility to test any
3 patient for any communicable disease, nor shall mandatory testing
4 of any person be required, except as provided for in sections
5 191.659, 191.662 and 191.674.

6 2. All emergency response employees are required to
7 respond to and treat any patient regardless of HIV or other
8 communicable disease infection.

9 3. Sections 192.800 to 192.808 shall not be construed to
10 require or permit the department of health and senior services or
11 its designated officers to collect information concerning HIV
12 infection in a form that permits the identity of the patient to be
13 determined, except as otherwise provided by law.]

[300.320. A funeral composed of a procession of vehicles
2 shall be identified as such by the display upon the outside of each
3 vehicle of a pennant or other identifying insignia or by such other
4 method as may be determined and designated by the traffic
5 division.]

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