

SECOND REGULAR SESSION

SENATE BILL NO. 921

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 14, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5905S.011

AN ACT

To repeal sections 43.505, 43.545, 455.543, and 455.545, RSMo, and to enact in lieu thereof four new sections relating to the reporting of incidents by law enforcement agencies.

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

Section A. Sections 43.505, 43.545, 455.543, and 455.545, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 43.505, 43.545, 455.543, and 455.545, to read as follows:

43.505. 1. The department of public safety is hereby designated as the
2 central repository for the collection, maintenance, analysis and reporting of crime
3 incident activity generated by law enforcement agencies in this state. The
4 department shall develop and operate a uniform crime reporting system that is
5 compatible with the national uniform crime reporting system operated by the
6 Federal Bureau of Investigation.

7 2. The department of public safety shall:

8 (1) Develop, operate and maintain an information system for the
9 collection, storage, maintenance, analysis and retrieval of crime incident and
10 arrest reports from Missouri law enforcement agencies;

11 (2) Compile the statistical data and forward such data as required to the
12 Federal Bureau of Investigation or the appropriate Department of Justice agency
13 in accordance with the standards and procedures of the national system;

14 (3) Provide the forms, formats, procedures, standards and related training
15 or training assistance to all law enforcement agencies in the state as necessary
16 for such agencies to report incident and arrest activity for timely inclusion into
17 the statewide system;

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

18 (4) Annually publish a report on the nature and extent of crime and
19 submit such report to the governor and the general assembly. Such report and
20 other statistical reports shall be made available to state and local law
21 enforcement agencies and the general public through an electronic or manual
22 medium;

23 (5) Maintain the privacy and security of information in accordance with
24 applicable state and federal laws, regulations and orders; and

25 (6) Establish such rules and regulations as are necessary for
26 implementing the provisions of this section. Any rule or portion of a rule, as that
27 term is defined in section 536.010, that is created under the authority delegated
28 in this section shall become effective only if it complies with and is subject to all
29 of the provisions of chapter 536 and, if applicable, section 536.028. This section
30 and chapter 536 are nonseverable and if any of the powers vested with the
31 general assembly pursuant to chapter 536 to review, to delay the effective date
32 or to disapprove and annul a rule are subsequently held unconstitutional, then
33 the grant of rulemaking authority and any rule proposed or adopted after August
34 28, 2000, shall be invalid and void.

35 3. Every law enforcement agency in the state shall:

36 (1) Submit crime incident reports to the department of public safety on
37 forms or in the format prescribed by the department; [and]

38 (2) Submit any other crime incident information which may be required
39 by the department of public safety; **and**

40 **(3) Submit the reports and information as required under this**
41 **subsection to the department of public safety or its designee for each**
42 **month on or before the twentieth day of the following month.**

43 4. Any law enforcement agency that violates this section may be ineligible
44 to receive state or federal funds which would otherwise be paid to such agency for
45 law enforcement, safety or criminal justice purposes.

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.

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.

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