

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 765**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on Jobs, Economic Development and Local Government, January 21, 2016, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 765, adopted January 27, 2016.

Taken up for Perfection January 27, 2016. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

4939S.03P

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**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 two new sections relating to prohibitions on traffic citation quotas, with an existing penalty provision.

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*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-  
2 seventh general assembly, second regular session, and section 575.320 as enacted  
3 by senate bill no. 180, eighty-seventh general assembly, first regular session,  
4 RSMo, are repealed and two new sections enacted in lieu thereof, to be known as  
5 sections 304.125 and 575.320, to read as follows:

**304.125. No political subdivision or law enforcement agency shall  
2 have a policy requiring or encouraging an employee to issue a certain  
3 number of citations for traffic violations on a daily, weekly, monthly,  
4 quarterly, yearly, or other quota basis.**

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

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

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

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

10 (3) 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) Is a jailer or keeper of a county jail and knowingly refuses to receive,  
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] **or that such employee shall**  
35 **increase the number of traffic citations that he or she is currently**  
36 **issuing.**

37 2. The offense of misconduct in the administration of justice is a class A  
38 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] **or that such employee**  
35 **shall increase the number of traffic citations that he or she is currently**  
36 **issuing.**

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

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