

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 302 & 228

AN ACT

To repeal sections 43.505, 57.450, 57.530, 190.103, 190.165, 488.5320, 513.653, 544.671, 565.050, 565.052, 565.054, 565.056, 575.150, and 650.330, RSMo, and to enact in lieu thereof eighteen new sections relating to emergency responders, with penalty provisions and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 43.505, 57.450, 57.530, 190.103,
2 190.165, 488.5320, 513.653, 544.671, 565.050, 565.052, 565.054,
3 565.056, 575.150, and 650.330, RSMo, are repealed and eighteen
4 new sections enacted in lieu thereof, to be known as sections
5 43.505, 57.450, 57.530, 190.103, 190.147, 190.165, 252.069,
6 488.5320, 513.653, 544.671, 565.050, 565.052, 565.054, 565.056,
7 575.150, 590.1040, 650.330, and 650.520, to read as follows:

8 43.505. 1. The department of public safety is hereby
9 designated as the central repository for the collection,
10 maintenance, analysis and reporting of crime incident activity
11 generated by law enforcement agencies in this state. The
12 department shall develop and operate a uniform crime reporting

1 system that is compatible with the national uniform crime
2 reporting system operated by the Federal Bureau of Investigation.

3 2. The department of public safety shall:

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

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

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

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

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

25 (6) Establish such rules and regulations as are necessary
26 for implementing the provisions of this section. Any rule or
27 portion of a rule, as that term is defined in section 536.010,
28 that is created under the authority delegated in this section

1 shall become effective only if it complies with and is subject to
2 all of the provisions of chapter 536 and, if applicable, section
3 536.028. This section and chapter 536 are nonseverable and if
4 any of the powers vested with the general assembly pursuant to
5 chapter 536 to review, to delay the effective date or to
6 disapprove and annul a rule are subsequently held
7 unconstitutional, then the grant of rulemaking authority and any
8 rule proposed or adopted after August 28, 2000, shall be invalid
9 and void.

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

11 (1) Submit crime incident reports to the department of
12 public safety on forms or in the format prescribed by the
13 department; and

14 (2) Submit any other crime incident information which may
15 be required by the department of public safety.

16 4. Any law enforcement agency that violates this section
17 after December 31, 2021, may be ineligible to receive state or
18 federal funds which would otherwise be paid to such agency for
19 law enforcement, safety or criminal justice purposes.

20 57.450. All general laws relating and applicable to the
21 sheriffs of the several counties of this state shall apply to the
22 same officer in the City of St. Louis, except that the sheriff of
23 the City of St. Louis shall not enforce the general criminal laws
24 of the state of Missouri unless such enforcement shall be
25 incidental to the duties customarily performed by the sheriff of
26 the City of St. Louis. The office of sheriff of the city of St.
27 Louis shall be considered a law enforcement agency, and the
28 sheriff and sworn deputies of that office shall be considered law

1 enforcement officers and shall be eligible for training and
2 licensure by the peace officer standards and training commission
3 under chapter 590. All acts and parts of acts providing for any
4 legal process to be directed to any sheriff of any county shall
5 be so construed as to mean the sheriff of the city of St. Louis
6 as if such officer were specifically named in such act.

7 57.530. 1. The sheriff of the city of St. Louis shall[,
8 with the approval of a majority of the circuit judges of the
9 circuit court of said city,] appoint as many deputies and
10 assistants as may be necessary to perform the duties of his or
11 her office, and fix the compensation for their services, which
12 compensation, however, shall not in any case exceed the annual
13 rate of compensation fixed by the board of aldermen of the city
14 of St. Louis therefor.

15 2. Any person appointed as deputy, or any like position,
16 under subsection 1 of this section shall hold a valid peace
17 officer license under chapter 590.

18 190.103. 1. One physician with expertise in emergency
19 medical services from each of the EMS regions shall be elected by
20 that region's EMS medical directors to serve as a regional EMS
21 medical director. The regional EMS medical directors shall
22 constitute the state EMS medical director's advisory committee
23 and shall advise the department and their region's ambulance
24 services on matters relating to medical control and medical
25 direction in accordance with sections 190.001 to 190.245 and
26 rules adopted by the department pursuant to sections 190.001 to
27 190.245. The regional EMS medical director shall serve a term of
28 four years. The southwest, northwest, and Kansas City regional

1 EMS medical directors shall be elected to an initial two-year
2 term. The central, east central, and southeast regional EMS
3 medical directors shall be elected to an initial four-year term.
4 All subsequent terms following the initial terms shall be four
5 years.

6 2. A medical director is required for all ambulance
7 services and emergency medical response agencies that provide:
8 advanced life support services; basic life support services
9 utilizing medications or providing assistance with patients'
10 medications; or basic life support services performing invasive
11 procedures including invasive airway procedures. The medical
12 director shall provide medical direction to these services and
13 agencies in these instances.

14 3. The medical director, in cooperation with the ambulance
15 service or emergency medical response agency administrator, shall
16 have the responsibility and the authority to ensure that the
17 personnel working under their supervision are able to provide
18 care meeting established standards of care with consideration for
19 state and national standards as well as local area needs and
20 resources. The medical director, in cooperation with the
21 ambulance service or emergency medical response agency
22 administrator, shall establish and develop triage, treatment and
23 transport protocols, which may include authorization for standing
24 orders.

25 4. All ambulance services and emergency medical response
26 agencies that are required to have a medical director shall
27 establish an agreement between the service or agency and their
28 medical director. The agreement will include the roles,

1 responsibilities and authority of the medical director beyond
2 what is granted in accordance with sections 190.001 to 190.245
3 and rules adopted by the department pursuant to sections 190.001
4 to 190.245. The agreement shall also include grievance
5 procedures regarding the emergency medical response agency or
6 ambulance service, personnel and the medical director.

7 5. Regional EMS medical directors elected as provided under
8 subsection 1 of this section shall be considered public officials
9 for purposes of sovereign immunity, official immunity, and the
10 Missouri public duty doctrine defenses.

11 6. The state EMS medical director's advisory committee
12 shall be considered a peer review committee under section 537.035
13 and regional EMS medical directors shall be eligible to
14 participate in the Missouri Patient Safety Organization as
15 provided under the Patient Safety and Quality Improvement Act of
16 2005, 42 U.S.C. Section 299, et seq., as amended.

17 7. Regional EMS medical directors may act to provide online
18 telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps,
19 and community paramedics and provide offline medical direction
20 per standardized treatment, triage, and transport protocols when
21 EMS personnel, including EMT-Bs, EMT-Is, or EMT-Ps community
22 paramedics, are providing care to special needs patients or at
23 the request of a local EMS agency or medical director.

24 8. When developing treatment protocols for special needs
25 patients, regional EMS medical directors may promulgate such
26 protocols on a regional basis across multiple political
27 subdivisions' jurisdictional boundaries and such protocols may be
28 used by multiple agencies including, but not limited to,

1 ambulance services, emergency response agencies, and public
2 health departments.

3 9. Multiple EMS agencies including, but not limited to,
4 ambulance services, emergency response agencies, and public
5 health departments shall take necessary steps to follow the
6 regional EMS protocols established as provided under subsection 8
7 of this section in cases of mass casualty or state-declared
8 disaster incidents.

9 10. When regional EMS medical directors develop and
10 implement treatment protocols for patients or provide online
11 medical direction for such patients, such activity shall not be
12 construed as having usurped local medical direction authority in
13 any manner.

14 11. Notwithstanding any other provision of law, when
15 regional EMS medical directors are providing either online
16 telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps,
17 and community paramedics, or offline medical direction per
18 standardized EMS treatment, triage, and transport protocols for
19 patients, those medical directions or treatment protocols may
20 include the administration of the patient's own prescription
21 medications.

22 190.147. 1. Emergency medical technician paramedics (EMT-
23 Ps) who have:

24 (1) Completed at least forty hours of the standard crisis
25 intervention training course as endorsed and developed by the
26 National Alliance on Mental Illness or a course of training that
27 the ground or air ambulance service's medical director has
28 determined to be academically equivalent thereto;

1 (2) Been authorized by their ground or air ambulance
2 service's administration and medical director under subsection 3
3 of section 190.103; and

4 (3) Whose ground or air ambulance service has developed and
5 adopted standardized triage, treatment, and transport protocols
6 under subsection 3 of section 190.103, which address the
7 challenge of treating and transporting behavioral health patients
8 who present a likelihood of serious harm to themselves or others
9 as the term "likelihood of serious harm" is defined under section
10 632.005 or who are significantly incapacitated by alcohol or
11 drugs;

12
13 may make a good faith determination that such patients shall be
14 placed into a temporary hold for the sole purposes of transport
15 to the nearest appropriate facility.

16 2. EMT-Ps who have made a good faith decision for a
17 temporary hold of a patient as authorized by this section shall
18 no longer have to rely on the common law doctrine of implied
19 consent and therefore shall not be civilly liable for a good
20 faith determination made in accordance with this section and
21 shall not have waived any sovereign immunity defense, official
22 immunity defense, or Missouri public duty doctrine defense if
23 employed at the time of the good faith determination by a
24 governmental employer.

25 3. Any ground or air ambulance service that adopts the
26 authority and protocols provided for by this section shall have a
27 memorandum of understanding with applicable local law enforcement
28 agencies in order to achieve a collaborative and coordinated

1 response to patients displaying symptoms of either a likelihood
2 of serious harm to themselves or others or significant
3 incapacitation by alcohol or drugs, which require a crisis
4 intervention response.

5 190.165. 1. The department may refuse to issue or deny
6 renewal of any certificate, permit or license required pursuant
7 to sections 190.100 to 190.245 for failure to comply with the
8 provisions of sections 190.100 to 190.245 or any lawful
9 regulations promulgated by the department to implement its
10 provisions as described in subsection 2 of this section. The
11 department shall notify the applicant in writing of the reasons
12 for the refusal and shall advise the applicant of his or her
13 right to file a complaint with the administrative hearing
14 commission as provided by chapter 621.

15 2. The department may cause a complaint to be filed with
16 the administrative hearing commission as provided by chapter 621
17 against any holder of any certificate, permit or license required
18 by sections 190.100 to 190.245 or any person who has failed to
19 renew or has surrendered his or her certificate, permit or
20 license for failure to comply with the provisions of sections
21 190.100 to 190.245 or any lawful regulations promulgated by the
22 department to implement such sections. Those regulations shall
23 be limited to the following:

24 (1) Use or unlawful possession of any controlled substance,
25 as defined in chapter 195, or alcoholic beverage to an extent
26 that such use impairs a person's ability to perform the work of
27 any activity licensed or regulated by sections 190.100 to
28 190.245;

1 (2) Being finally adjudicated and found guilty, or having
2 entered a plea of guilty or nolo contendere, in a criminal
3 prosecution under the laws of any state or of the United States,
4 for any offense reasonably related to the qualifications,
5 functions or duties of any activity licensed or regulated
6 pursuant to sections 190.100 to 190.245, for any offense an
7 essential element of which is fraud, dishonesty or an act of
8 violence, or for any offense involving moral turpitude, whether
9 or not sentence is imposed;

10 (3) Use of fraud, deception, misrepresentation or bribery
11 in securing any certificate, permit or license issued pursuant to
12 sections 190.100 to 190.245 or in obtaining permission to take
13 any examination given or required pursuant to sections 190.100 to
14 190.245;

15 (4) Obtaining or attempting to obtain any fee, charge,
16 tuition or other compensation by fraud, deception or
17 misrepresentation;

18 (5) Incompetency, misconduct, gross negligence, fraud,
19 misrepresentation or dishonesty in the performance of the
20 functions or duties of any activity licensed or regulated by
21 sections 190.100 to 190.245;

22 (6) Violation of, or assisting or enabling any person to
23 violate, any provision of sections 190.100 to 190.245, or of any
24 lawful rule or regulation adopted by the department pursuant to
25 sections 190.100 to 190.245;

26 (7) Impersonation of any person holding a certificate,
27 permit or license or allowing any person to use his or her
28 certificate, permit, license or diploma from any school;

1 (8) Disciplinary action against the holder of a license or
2 other right to practice any activity regulated by sections
3 190.100 to 190.245 granted by another state, territory, federal
4 agency or country upon grounds for which revocation or suspension
5 is authorized in this state;

6 (9) For an individual being finally adjudged insane or
7 incompetent by a court of competent jurisdiction;

8 (10) Assisting or enabling any person to practice or offer
9 to practice any activity licensed or regulated by sections
10 190.100 to 190.245 who is not licensed and currently eligible to
11 practice pursuant to sections 190.100 to 190.245;

12 (11) Issuance of a certificate, permit or license based
13 upon a material mistake of fact;

14 (12) Violation of any professional trust, confidence, or
15 legally protected privacy rights of a patient by means of an
16 unauthorized or unlawful disclosure;

17 (13) Use of any advertisement or solicitation which is
18 false, misleading or deceptive to the general public or persons
19 to whom the advertisement or solicitation is primarily directed;

20 (14) Violation of the drug laws or rules and regulations of
21 this state, any other state or the federal government;

22 (15) Refusal of any applicant or licensee to respond to
23 reasonable department of health and senior services' requests for
24 necessary information to process an application or to determine
25 license status or license eligibility;

26 (16) Any conduct or practice which is or might be harmful
27 or dangerous to the mental or physical health or safety of a
28 patient or the public;

1 (17) Repeated acts of negligence or recklessness in the
2 performance of the functions or duties of any activity licensed
3 or regulated by sections 190.100 to 190.245.

4 3. If the department conducts investigations, the
5 department, prior to interviewing a licensee who is the subject
6 of the investigation, shall explain to the licensee that he or
7 she has the right to:

8 (1) Consult legal counsel or have legal counsel present;

9 (2) Have anyone present whom he or she deems to be
10 necessary or desirable[, except for any holder of any
11 certificate, permit, or license required by sections 190.100 to
12 190.245]; and

13 (3) Refuse to answer any question or refuse to provide or
14 sign any written statement.

15
16 The assertion of any right listed in this subsection shall not be
17 deemed by the department to be a failure to cooperate with any
18 department investigation.

19 4. After the filing of such complaint, the proceedings
20 shall be conducted in accordance with the provisions of chapter
21 621. Upon a finding by the administrative hearing commission
22 that the grounds, provided in subsection 2 of this section, for
23 disciplinary action are met, the department may, singly or in
24 combination, censure or place the person named in the complaint
25 on probation on such terms and conditions as the department deems
26 appropriate for a period not to exceed five years, or may
27 suspend, for a period not to exceed three years, or revoke the
28 license, certificate or permit. Notwithstanding any provision of

1 law to the contrary, the department shall be authorized to impose
2 a suspension or revocation as a disciplinary action only if it
3 first files the requisite complaint with the administrative
4 hearing commission. The administrative hearing commission shall
5 hear all relevant evidence on remediation activities of the
6 licensee and shall make a recommendation to the department of
7 health and senior services as to licensure disposition based on
8 such evidence.

9 5. An individual whose license has been revoked shall wait
10 one year from the date of revocation to apply for relicensure.
11 Relicensure shall be at the discretion of the department after
12 compliance with all the requirements of sections 190.100 to
13 190.245 relative to the licensing of an applicant for the first
14 time. Any individual whose license has been revoked twice within
15 a ten-year period shall not be eligible for relicensure.

16 6. The department may notify the proper licensing authority
17 of any other state in which the person whose license was
18 suspended or revoked was also licensed of the suspension or
19 revocation.

20 7. Any person, organization, association or corporation who
21 reports or provides information to the department pursuant to the
22 provisions of sections 190.100 to 190.245 and who does so in good
23 faith shall not be subject to an action for civil damages as a
24 result thereof.

25 8. The department of health and senior services may suspend
26 any certificate, permit or license required pursuant to sections
27 190.100 to 190.245 simultaneously with the filing of the
28 complaint with the administrative hearing commission as set forth

1 in subsection 2 of this section, if the department finds that
2 there is an imminent threat to the public health. The notice of
3 suspension shall include the basis of the suspension and notice
4 of the right to appeal such suspension. The licensee may appeal
5 the decision to suspend the license, certificate or permit to the
6 department. The appeal shall be filed within ten days from the
7 date of the filing of the complaint. A hearing shall be
8 conducted by the department within ten days from the date the
9 appeal is filed. The suspension shall continue in effect until
10 the conclusion of the proceedings, including review thereof,
11 unless sooner withdrawn by the department, dissolved by a court
12 of competent jurisdiction or stayed by the administrative hearing
13 commission.

14 252.069. Any agent of the conservation commission may
15 enforce the provisions of sections 577.070 and 577.080 and arrest
16 violators only upon the water, the banks thereof, or upon public
17 land.

18 488.5320. 1. Sheriffs, county marshals or other officers
19 shall be allowed a charge for their services rendered in criminal
20 cases and in all proceedings for contempt or attachment, as
21 required by law, the sum of seventy-five dollars for each felony
22 case or contempt or attachment proceeding, ten dollars for each
23 misdemeanor case, and six dollars for each infraction, including
24 cases disposed of by a violations bureau established pursuant to
25 law or supreme court rule. Such charges shall be charged and
26 collected in the manner provided by sections 488.010 to 488.020
27 and shall be payable to the county treasury; except that, those
28 charges from cases disposed of by a violations bureau shall be

1 distributed as follows: one-half of the charges collected shall
2 be forwarded and deposited to the credit of the MODEX fund
3 established in subsection 6 of this section for the operational
4 cost of the Missouri data exchange (MODEX) system, and one-half
5 of the charges collected shall be deposited to the credit of the
6 inmate security fund, established in section 488.5026, of the
7 county or municipal political subdivision from which the citation
8 originated. If the county or municipal political subdivision has
9 not established an inmate security fund, all of the funds shall
10 be deposited in the MODEX fund.

11 2. [Notwithstanding subsection 1 of this section to the
12 contrary, sheriffs, county marshals, or other officers in any
13 county with a charter form of government and with more than nine
14 hundred fifty thousand inhabitants or in any city not within a
15 county shall not be allowed a charge for their services rendered
16 in cases disposed of by a violations bureau established pursuant
17 to law or supreme court rule.

18 3.] The sheriff receiving any charge pursuant to subsection
19 1 of this section shall reimburse the sheriff of any other county
20 or the City of St. Louis the sum of three dollars for each
21 pleading, writ, summons, order of court or other document served
22 in connection with the case or proceeding by the sheriff of the
23 other county or city, and return made thereof, to the maximum
24 amount of the total charge received pursuant to subsection 1 of
25 this section.

26 [4.] 3. The charges provided in subsection 1 of this
27 section shall be taxed as other costs in criminal proceedings
28 immediately upon a plea of guilty or a finding of guilt of any

1 defendant in any criminal procedure. The clerk shall tax all the
2 costs in the case against such defendant, which shall be
3 collected and disbursed as provided by sections 488.010 to
4 488.020; provided, that no such charge shall be collected in any
5 proceeding in any court when the proceeding or the defendant has
6 been dismissed by the court; provided further, that all costs,
7 incident to the issuing and serving of writs of scire facias and
8 of writs of fieri facias, and of attachments for witnesses of
9 defendant, shall in no case be paid by the state, but such costs
10 incurred under writs of fieri facias and scire facias shall be
11 paid by the defendant and such defendant's sureties, and costs
12 for attachments for witnesses shall be paid by such witnesses.

13 [5.] 4. Mileage shall be reimbursed to sheriffs, county
14 marshals and guards for all services rendered pursuant to this
15 section at the rate prescribed by the Internal Revenue Service
16 for allowable expenses for motor vehicle use expressed as an
17 amount per mile.

18 [6.] 5. (1) There is hereby created in the state treasury
19 the "MODEX Fund", which shall consist of money collected under
20 subsection 1 of this section. The fund shall be administered by
21 the peace officers standards and training commission established
22 in section 590.120. The state treasurer shall be custodian of
23 the fund. In accordance with sections 30.170 and 30.180, the
24 state treasurer may approve disbursements. The fund shall be a
25 dedicated fund and, upon appropriation, money in the fund shall
26 be used solely for the operational support and expansion of the
27 MODEX system.

28 (2) Notwithstanding the provisions of section 33.080 to the

1 contrary, any moneys remaining in the fund at the end of the
2 biennium shall not revert to the credit of the general revenue
3 fund.

4 (3) The state treasurer shall invest moneys in the fund in
5 the same manner as other funds are invested. Any interest and
6 moneys earned on such investments shall be credited to the fund.

7 6. The MODEX fund may accept funds from federal, state,
8 local, and private entities which utilize the information from
9 the fund to fight fraud and other activities which are in the
10 best interest of law enforcement or the state of Missouri.

11 7. Any information in MODEX which is open under the
12 provisions of chapter 610 is considered open and is not Criminal
13 Justice Information Services data. Any information in MODEX may
14 be shared with any other law enforcement agency, division, or
15 department of the state of Missouri, or other entity approved by
16 the peace officer standards and training commission, for the
17 purpose of anti-fraud efforts.

18 513.653. 1. Law enforcement agencies involved in using the
19 federal forfeiture system under federal law shall file a report
20 regarding federal seizures and the proceeds therefrom. Such
21 report shall be filed annually by ~~January thirty-first~~ February
22 fifteenth for the previous calendar year with the ~~department of~~
23 ~~public safety and the~~ state auditor's office. The report for
24 the calendar year shall ~~include the type and value of items~~
25 ~~seized and turned over to the federal forfeiture system, the~~
26 ~~beginning balance as of January first of federal forfeiture funds~~
27 ~~or assets previously received and not expended or used, the~~
28 ~~proceeds received from the federal government (the equitable~~

1 sharing amount), the expenditures resulting from the proceeds
2 received, and the ending balance as of December thirty-first of
3 federal forfeiture funds or assets on hand. The department of
4 public safety shall not issue funds to any law enforcement agency
5 that fails to comply with the provisions of this section] consist
6 of a copy of the federal form entitled "ACA Form - Equitable
7 Sharing Agreement and Certification" which is identical to the
8 form submitted in that year to the federal government.

9 2. [Intentional] Any law enforcement agency that
10 intentionally or [knowing failure] knowingly fails to comply with
11 the reporting requirement contained in this section shall be [a
12 class A misdemeanor, punishable by a fine of up to one thousand
13 dollars] ineligible to receive state or federal funds which would
14 otherwise be paid to such agency for law enforcement, safety, or
15 criminal justice purposes.

16 544.671. Notwithstanding any supreme court rule or judicial
17 ruling to the contrary, no defendant under a sentence of death or
18 imprisonment in the penitentiary for life, or any sentence of
19 imprisonment for a violation of section 579.065, 565.021, [or]
20 565.050, 565.052 in which the victim is a law enforcement
21 officer, firefighter, or emergency medical service provider
22 assaulted in the performance of his or her official duties or as
23 a direct result of such official duties, 565.054 in which the
24 victim is a law enforcement officer, firefighter, or emergency
25 medical service provider assaulted in the performance of his or
26 her official duties or as a direct result of such official
27 duties, 565.056 in which the victim is a law enforcement officer,
28 firefighter, or emergency medical service provider assaulted in

1 the performance of his or her official duties or as a direct
2 result of such official duties, section 566.030, 566.032,
3 566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant
4 who has pled guilty to or been found guilty of any felony sexual
5 offense under chapter 566, where the victim was less than
6 seventeen years of age at the time the crime was committed, any
7 sexual offense under chapter 568, where the victim was less than
8 seventeen years of age at the time the crime was committed, or
9 any pornographic offense involving a minor as set forth in
10 sections 573.023, 573.025, 573.035, and 573.037, and any felony
11 violation of section 573.040, shall be entitled to bail pending
12 appeal after June 29, 1994. Pursuant to the prerogative of the
13 general assembly to declare the public policy of this state in
14 matters regarding criminal liability of persons and to enact laws
15 relating to judicial procedure, the general assembly declares
16 that subsequent to June 29, 1994, no person shall be entitled to
17 bail or continuation of bail pursuant to section 547.170 if that
18 person is under a sentence of death or imprisonment in the
19 penitentiary for life, or any sentence of imprisonment for a
20 violation of section 579.065, 565.021, [or] 565.050, 565.052 in
21 which the victim is a law enforcement officer, firefighter, or
22 emergency medical service provider assaulted in the performance
23 of his or her official duties or as a direct result of such
24 official duties, 565.054 in which the victim is a law enforcement
25 officer, firefighter, or emergency medical service provider
26 assaulted in the performance of his or her official duties or as
27 a direct result of such official duties, 565.056 in which the
28 victim is a law enforcement officer, firefighter, or emergency

1 medical service provider assaulted in the performance of his or
2 her official duties or as a direct result of such official
3 duties, section 566.030, 566.032, 566.040, 566.060, 566.062,
4 566.070, or 566.100, and no defendant who has pled guilty to or
5 been found guilty of any felony sexual offense under chapter 566,
6 where the victim was less than seventeen years of age at the time
7 the crime was committed, any sexual offense under chapter 568,
8 where the victim was less than seventeen years of age at the time
9 the crime was committed, or any pornographic offense involving a
10 minor as set forth in sections 573.023, 573.025, 573.035, and
11 573.037, and any felony violation of section 573.040.

12 565.050. 1. A person commits the offense of assault in the
13 first degree if he or she attempts to kill or knowingly causes or
14 attempts to cause serious physical injury to another person.

15 2. The offense of assault in the first degree is a class B
16 felony unless in the course thereof the person inflicts serious
17 physical injury on the victim, or if the victim of such assault
18 is a special victim, as the term "special victim" is defined
19 under section 565.002, in which case it is a class A felony.

20 3. Persons found guilty under this section shall not be
21 eligible for probation or parole if the victim was a law
22 enforcement officer, firefighter, or emergency medical service
23 provider assaulted in the performance of his or her official
24 duties or as a direct result of such official duties.

25 565.052. 1. A person commits the offense of assault in the
26 second degree if he or she:

27 (1) Attempts to kill or knowingly causes or attempts to
28 cause serious physical injury to another person under the

1 influence of sudden passion arising out of adequate cause; or

2 (2) Attempts to cause or knowingly causes physical injury
3 to another person by means of a deadly weapon or dangerous
4 instrument; or

5 (3) Recklessly causes serious physical injury to another
6 person; or

7 (4) Recklessly causes physical injury to another person by
8 means of discharge of a firearm.

9 2. The defendant shall have the burden of injecting the
10 issue of influence of sudden passion arising from adequate cause
11 under subdivision (1) of subsection 1 of this section.

12 3. The offense of assault in the second degree is a class D
13 felony, unless the victim of such assault is a special victim, as
14 the term "special victim" is defined under section 565.002, in
15 which case it is a class B felony.

16 4. Persons found guilty under this section shall not be
17 eligible for probation or parole if the victim was a law
18 enforcement officer, firefighter, or emergency medical service
19 provider assaulted in the performance of his or her official
20 duties or as a direct result of such official duties.

21 565.054. 1. A person commits the offense of assault in the
22 third degree if he or she knowingly causes physical injury to
23 another person.

24 2. The offense of assault in the third degree is a class E
25 felony, unless the victim of such assault is a special victim, as
26 the term "special victim" is defined under section 565.002, in
27 which case it is a class D felony.

28 3. Persons found guilty under this section shall not be

1 eligible for probation or parole if the victim was a law
2 enforcement officer, firefighter, or emergency medical service
3 provider assaulted in the performance of his or her official
4 duties or as a direct result of such official duties.

5 565.056. 1. A person commits the offense of assault in the
6 fourth degree if:

7 (1) The person attempts to cause or recklessly causes
8 physical injury, physical pain, or illness to another person;

9 (2) With criminal negligence the person causes physical
10 injury to another person by means of a firearm;

11 (3) The person purposely places another person in
12 apprehension of immediate physical injury;

13 (4) The person recklessly engages in conduct which creates
14 a substantial risk of death or serious physical injury to another
15 person;

16 (5) The person knowingly causes or attempts to cause
17 physical contact with a person with a disability, which a
18 reasonable person, who does not have a disability, would consider
19 offensive or provocative; or

20 (6) The person knowingly causes physical contact with
21 another person knowing the other person will regard the contact
22 as offensive or provocative.

23 2. Except as provided in subsection 3 of this section,
24 assault in the fourth degree is a class A misdemeanor.

25 3. Violation of the provisions of subdivision (3) or (6) of
26 subsection 1 of this section is a class C misdemeanor unless the
27 victim is a special victim, as the term "special victim" is
28 defined under section 565.002, in which case a violation of such

1 provisions is a class A misdemeanor.

2 4. Persons found guilty under this section shall not be
3 eligible for probation or parole if the victim was a law
4 enforcement officer, firefighter, or emergency medical service
5 provider assaulted in the performance of his or her official
6 duties or as a direct result of such official duties.

7 575.150. 1. A person commits the offense of resisting or
8 interfering with arrest, detention, or stop if he or she knows or
9 reasonably should know that a law enforcement officer is making
10 an arrest or attempting to lawfully detain or stop an individual
11 or vehicle, and for the purpose of preventing the officer from
12 effecting the arrest, stop or detention, he or she:

13 (1) Resists the arrest, stop or detention of such person by
14 using or threatening the use of violence or physical force or by
15 fleeing from such officer; or

16 (2) Interferes with the arrest, stop or detention of
17 another person by using or threatening the use of violence,
18 physical force or physical interference.

19 2. This section applies to:

20 (1) Arrests, stops, or detentions, with or without
21 warrants;

22 (2) Arrests, stops, or detentions, for any offense,
23 infraction, or ordinance violation; and

24 (3) Arrests for warrants issued by a court or a probation
25 and parole officer.

26 3. A person is presumed to be fleeing a vehicle stop if he
27 or she continues to operate a motor vehicle after he or she has
28 seen or should have seen clearly visible emergency lights or has

1 heard or should have heard an audible signal emanating from the
2 law enforcement vehicle pursuing him or her.

3 4. It is no defense to a prosecution pursuant to subsection
4 1 of this section that the law enforcement officer was acting
5 unlawfully in making the arrest. However, nothing in this
6 section shall be construed to bar civil suits for unlawful
7 arrest.

8 5. The offense of resisting or interfering with an arrest
9 is a class E felony for an arrest for a:

10 (1) Felony;

11 (2) Warrant issued for failure to appear on a felony case;
12 or

13 (3) Warrant issued for a probation violation on a felony
14 case.

15
16 The offense of resisting an arrest, detention or stop in
17 violation of subdivision (1) or (2) of subsection 1 of this
18 section is a class A misdemeanor, unless the person fleeing
19 creates a substantial risk of serious physical injury or death to
20 any person, in which case it is a class E felony.

21 6. Persons found guilty under this section shall not be
22 eligible for probation or parole.

23 590.1040. 1. For purposes of this section, the following
24 terms mean:

25 (1) "Emergency services personnel", any employee or
26 volunteer of an emergency services provider who is engaged in
27 providing or supporting firefighting, dispatching services, and
28 emergency medical services;

1 (2) "Emergency services provider", any public employer that
2 employs persons to provide firefighting, dispatching services,
3 and emergency medical services;

4 (3) "Employee assistance program", a program established by
5 a law enforcement agency or emergency services provider to
6 provide professional counseling or support services to employees
7 of a law enforcement agency, emergency services provider, or a
8 professional mental health provider associated with a peer
9 support team;

10 (4) "Law enforcement agency", any public agency that
11 employs law enforcement personnel;

12 (5) "Law enforcement personnel", any person who by virtue
13 of office or public employment is vested by law with a duty to
14 maintain public order or to make arrests for violation of the
15 laws of the state of Missouri or ordinances of any municipality
16 thereof, or with a duty to maintain or assert custody or
17 supervision over persons accused or convicted of a crime, while
18 acting within the scope of his or her authority as an employee or
19 volunteer of a law enforcement agency;

20 (6) "Peer support counseling session", any session
21 conducted by a peer support specialist that is called or
22 requested in response to a critical incident or traumatic event
23 involving the personnel of the law enforcement agency or
24 emergency services provider;

25 (7) "Peer support specialist", a person who:

26 (a) Is designated by a law enforcement agency, emergency
27 services provider, employee assistance program, or peer support
28 team leader to lead, moderate, or assist in a peer support

1 counseling session;

2 (b) Is a member of a peer support team; and

3 (c) Has received training in counseling and providing
4 emotional and moral support to law enforcement officers or
5 emergency services personnel who have been involved in
6 emotionally traumatic incidents by reason of his or her
7 employment;

8 (8) "Peer support team", a group of peer support
9 specialists serving one or more law enforcement providers or
10 emergency services providers.

11 2. Any communication made by a participant or peer support
12 specialist in a peer support counseling session, and any oral or
13 written information conveyed in or as the result of a peer
14 support counseling session, are confidential and may not be
15 disclosed by any person participating in the peer support
16 counseling session.

17 3. Any communication relating to a peer support counseling
18 session that is made between peer support specialists, between
19 peer support specialists and the supervisors or staff of an
20 employee assistance program, or between the supervisors or staff
21 of an employee assistance program, is confidential and may not be
22 disclosed.

23 4. The provisions of this section shall apply only to peer
24 support counseling sessions conducted by a peer support
25 specialist.

26 5. The provisions of this section shall apply to all oral
27 communications, notes, records, and reports arising out of a peer
28 support counseling session. Any notes, records or reports

1 arising out of a peer support counseling session shall not be
2 public records and shall not be subject to the provisions of
3 chapter 610. Nothing in this section limits the discovery or
4 introduction into evidence of knowledge acquired by any law
5 enforcement personnel or emergency services personnel from
6 observation made during the course of employment, or material or
7 information acquired during the course of employment, that is
8 otherwise subject to discovery or introduction into evidence.

9 6. The provisions of this section shall not apply to any:

10 (1) Threat of suicide or criminal act made by a participant
11 in a peer support counseling session, or any information conveyed
12 in a peer support counseling session relating to a threat of
13 suicide or criminal act;

14 (2) Information relating to abuse of spouses, children, or
15 the elderly, or other information that is required to be reported
16 by law;

17 (3) Admission of criminal conduct;

18 (4) Disclosure of testimony by a participant who received
19 peer support counseling services and expressly consented to such
20 disclosure; or

21 (5) Disclosure of testimony by the surviving spouse or
22 executor or administrator of the estate of a deceased participant
23 who received peer support counseling services and such surviving
24 spouse or executor or administrator expressly consented to such
25 disclosure.

26 7. The provisions of this section shall not prohibit any
27 communications between peer support specialists who conduct peer
28 support counseling sessions or any communications between peer

1 support specialists and the supervisors or staff of an employee
2 assistance program.

3 8. The provisions of this section shall not prohibit
4 communications regarding fitness of an employee for duty between
5 an employee assistance program and an employer.

6 650.330. 1. The committee for 911 service oversight shall
7 consist of sixteen members, one of which shall be chosen from the
8 department of public safety who shall serve as chair of the
9 committee and only vote in the instance of a tie vote among the
10 other members, and the other members shall be selected as
11 follows:

12 (1) One member chosen to represent an association domiciled
13 in this state whose primary interest relates to counties;

14 (2) One member chosen to represent the Missouri public
15 service commission;

16 (3) One member chosen to represent emergency medical
17 services;

18 (4) One member chosen to represent an association with a
19 chapter domiciled in this state whose primary interest relates to
20 a national emergency number;

21 (5) One member chosen to represent an association whose
22 primary interest relates to issues pertaining to fire chiefs;

23 (6) One member chosen to represent an association with a
24 chapter domiciled in this state whose primary interest relates to
25 issues pertaining to public safety communications officers;

26 (7) One member chosen to represent an association whose
27 primary interest relates to issues pertaining to police chiefs;

28 (8) One member chosen to represent a league or association

1 domiciled in this state whose primary interest relates to issues
2 pertaining to municipalities;

3 (9) One member chosen to represent an association domiciled
4 in this state whose primary interest relates to issues pertaining
5 to sheriffs;

6 (10) One member chosen to represent 911 service providers
7 in counties of the second, third and fourth classification;

8 (11) One member chosen to represent 911 service providers
9 in counties of the first classification, with and without charter
10 forms of government, and cities not within a county;

11 (12) One member chosen to represent telecommunications
12 service providers with at least one hundred thousand access lines
13 located within Missouri;

14 (13) One member chosen to represent telecommunications
15 service providers with less than one hundred thousand access
16 lines located within Missouri;

17 (14) One member chosen to represent a professional
18 association of physicians who conduct with emergency care; and

19 (15) One member chosen to represent the general public of
20 Missouri who represents an association whose primary interest
21 relates to education and training, including that of 911, police
22 and fire dispatchers.

23 2. Each of the members of the committee for 911 service
24 oversight shall be appointed by the governor with the advice and
25 consent of the senate for a term of four years; except that, of
26 those members first appointed, four members shall be appointed to
27 serve for one year, four members shall be appointed to serve for
28 two years, four members shall be appointed to serve for three

1 years and four members shall be appointed to serve for four
2 years. Members of the committee may serve multiple terms.

3 3. The committee for 911 service oversight shall meet at
4 least quarterly at a place and time specified by the chairperson
5 of the committee and it shall keep and maintain records of such
6 meetings, as well as the other activities of the committee.
7 Members shall not be compensated but shall receive actual and
8 necessary expenses for attending meetings of the committee.

9 4. The committee for 911 service oversight shall:

10 (1) Organize and adopt standards governing the committee's
11 formal and informal procedures;

12 (2) Provide recommendations for primary answering points
13 and secondary answering points on statewide technical and
14 operational standards for 911 services;

15 (3) Provide recommendations to public agencies concerning
16 model systems to be considered in preparing a 911 service plan;

17 (4) Provide requested mediation services to political
18 subdivisions involved in jurisdictional disputes regarding the
19 provision of 911 services, except that such committee shall not
20 supersede decision-making authority of local political
21 subdivisions in regard to 911 services;

22 (5) Provide assistance to the governor and the general
23 assembly regarding 911 services;

24 (6) Review existing and proposed legislation and make
25 recommendations as to changes that would improve such
26 legislation;

27 (7) Aid and assist in the timely collection and
28 dissemination of information relating to the use of a universal

1 emergency telephone number;

2 (8) Perform other duties as necessary to promote successful
3 development, implementation and operation of 911 systems across
4 the state; [and]

5 (9) Designate a state 911 coordinator who shall be
6 responsible for overseeing statewide 911 operations and ensuring
7 compliance with federal grants for 911 funding; and

8 (10) Advise the department of public safety on establishing
9 rules and regulations necessary to administer the provisions of
10 sections 650.320 to 650.340.

11 5. The department of public safety shall provide staff
12 assistance to the committee for 911 service oversight as
13 necessary in order for the committee to perform its duties
14 pursuant to sections 650.320 to 650.340.

15 6. The department of public safety is authorized to adopt
16 those rules that are reasonable and necessary to accomplish the
17 limited duties specifically delegated within section 650.340.
18 Any rule or portion of a rule, as that term is defined in section
19 536.010, shall become effective only if it has been promulgated
20 pursuant to the provisions of chapter 536. This section and
21 chapter 536 are nonseverable and if any of the powers vested with
22 the general assembly pursuant to chapter 536 to review, to delay
23 the effective date or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after August 28, 1999,
26 shall be invalid and void.

27 650.520. 1. There is hereby created a statewide program
28 called the "Blue Alert System" referred to in this section as the

1 "system" to aid in the identification, location, and apprehension
2 of any individual or individuals suspected of killing or
3 seriously wounding any local, state, or federal law enforcement
4 officer.

5 2. For the purposes of this section, "law enforcement
6 officer" means any public servant having both the power and duty
7 to make arrests for violations of the laws of this state, and
8 federal law enforcement officers authorized to carry firearms and
9 to make arrests for violations of the laws of the United States.

10 3. The department of public safety shall develop regions to
11 provide the system. The department of public safety shall
12 coordinate local law enforcement agencies and public commercial
13 television and radio broadcasters to provide an effective system.
14 In the event that a local law enforcement agency opts not to set
15 up a system and a killing or serious wounding of a law
16 enforcement officer occurs within the jurisdiction, it shall
17 notify the department of public safety who will notify local
18 media in the region.

19 4. The blue alert system shall include all state agencies
20 capable of providing urgent and timely information to the public
21 together with broadcasters and other private entities that
22 volunteer to participate in the dissemination of urgent public
23 information. At a minimum, the blue alert system shall include
24 the department of public safety, highway patrol, department of
25 transportation, and Missouri lottery.

26 5. The department of public safety shall have the authority
27 to develop, implement, and manage the blue alert system.

28 6. Participation in a blue alert system is entirely at the

1 option of local law enforcement agencies, federally licensed
2 radio and television broadcasters, and other private entities
3 that volunteer to participate in the dissemination of urgent
4 public information.

5 7. Any person who knowingly makes a false report that
6 triggers an alert under this section is guilty of a class A
7 misdemeanor; except that, if the false report results in serious
8 physical injury or death, such person is guilty of a class E
9 felony.

10 8. The department of public safety may promulgate rules for
11 the implementation of the blue alert system. Any rule or portion
12 of a rule, as that term is defined in section 536.010, that is
13 created under the authority delegated in this section shall
14 become effective only if it complies with and is subject to all
15 of the provisions of chapter 536 and, if applicable, section
16 536.028. This section and chapter 536 are nonseverable, and if
17 any of the powers vested with the general assembly pursuant to
18 chapter 536 to review, to delay the effective date, or to
19 disapprove and annul a rule are subsequently held
20 unconstitutional, then the grant of rulemaking authority and any
21 rule proposed or adopted after August 28, 2017, shall be invalid
22 and void.

23 Section B. Because immediate action is necessary to allow
24 the sheriff of the city of St. Louis to appoint deputies as
25 expeditiously as possible for efficient performance of the
26 position, and to ensure the state is eligible to receive federal
27 911 grants and timely application for such grants is imperative,
28 the repeal and reenactment of sections 57.450, 57.530, and

1 650.330 of this act is deemed necessary for the immediate
2 preservation of the public health, welfare, peace, and safety,
3 and is hereby declared to be an emergency act within the meaning
4 of the constitution, and the repeal and reenactment of sections
5 57.450, 57.530, and 650.330 of this act shall be in full force
6 and effect upon its passage and approval.