

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 57**  
99TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

0042S.05C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 43.505, 43.530, 57.450, 488.5320, 513.653, 544.671, 565.050, 565.052, 565.054, 565.056, 571.030, 575.150, and 650.330, RSMo, and to enact in lieu thereof fourteen new sections relating to law enforcement agencies, with penalty provisions.

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

Section A. Sections 43.505, 43.530, 57.450, 488.5320, 513.653, 544.671, 565.050, 565.052, 565.054, 565.056, 571.030, 575.150, and 650.330, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 43.505, 43.530, 57.450, 488.5320, 513.653, 544.671, 565.050, 565.052, 565.054, 565.056, 571.030, 575.150, 590.1040, and 650.330, to read as follows:

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

2. The department of public safety shall:

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

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency

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

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;

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.

40 4. Any law enforcement agency that violates this section **after December**  
41 **31, 2021**, may be ineligible to receive state or federal funds which would  
42 otherwise be paid to such agency for law enforcement, safety or criminal justice  
43 purposes.

43.530. 1. For each request requiring the payment of a fee received by the  
2 central repository, the requesting entity shall pay a fee of not more than nine  
3 dollars per request for criminal history record information not based on a  
4 fingerprint search. In each year beginning on or after January 1, 2010, the  
5 superintendent may increase the fee paid by requesting entities by an amount not

6 to exceed one dollar per year, however, under no circumstance shall the fee paid  
7 by requesting entities exceed fifteen dollars per request.

8         2. For each request requiring the payment of a fee received by the central  
9 repository, the requesting entity shall pay a fee of not more than twenty dollars  
10 per request for criminal history record information based on a fingerprint search,  
11 unless the request is required under the provisions of subdivision (6) of section  
12 210.481, section 210.487, or section 571.101, in which case the fee shall be  
13 fourteen dollars.

14         3. A request made under subsections 1 and 2 of this section shall be  
15 limited to check and search on one individual. Each request shall be  
16 accompanied by a check, warrant, voucher, money order, or electronic payment  
17 payable to the state of Missouri-criminal record system or payment shall be made  
18 in a manner approved by the highway patrol. The highway patrol may establish  
19 procedures for receiving requests for criminal history record information for  
20 classification and search for fingerprints, from courts and other entities, and for  
21 the payment of such requests. There is hereby established by the treasurer of the  
22 state of Missouri a fund to be entitled as the "Criminal Record System Fund". **No**  
23 **moneys may be expended from the fund without approval of the**  
24 **director of the department of public safety. A portion of these funds to**  
25 **be determined by the director of the department of public safety shall**  
26 **be made available to local and county law enforcement agencies by way**  
27 **of a grant.** Notwithstanding the provisions of section 33.080 to the contrary, if  
28 the moneys collected and deposited into this fund are not totally expended  
29 annually for the purposes set forth in sections 43.500 to 43.543, the unexpended  
30 moneys in such fund shall remain in the fund and the balance shall be kept in  
31 the fund to accumulate from year to year.

57.450. All general laws relating and applicable to the sheriffs of the  
2 several counties of this state shall apply to the same officer in the City of St.  
3 Louis, except that the sheriff of the City of St. Louis shall not enforce the general  
4 criminal laws of the state of Missouri unless such enforcement shall be incidental  
5 to the duties customarily performed by the sheriff of the City of St. Louis. **The**  
6 **office of sheriff of the city of St. Louis shall be considered a law**  
7 **enforcement agency, and the sheriff and sworn deputies of that office**  
8 **shall be considered law enforcement officers and shall be eligible for**  
9 **training and licensure by the peace officer standards and training**  
10 **commission under chapter 590.** All acts and parts of acts providing for any

11 legal process to be directed to any sheriff of any county shall be so construed as  
12 to mean the sheriff of the city of St. Louis as if such officer were specifically  
13 named in such act.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed  
2 a charge for their services rendered in criminal cases and in all proceedings for  
3 contempt or attachment, as required by law, the sum of seventy-five dollars for  
4 each felony case or contempt or attachment proceeding, ten dollars for each  
5 misdemeanor case, and six dollars for each infraction, including cases disposed  
6 of by a violations bureau established pursuant to law or supreme court  
7 rule. Such charges shall be charged and collected in the manner provided by  
8 sections 488.010 to 488.020 and shall be payable to the county treasury; except  
9 that, those charges from cases disposed of by a violations bureau shall be  
10 distributed as follows: one-half of the charges collected shall be forwarded and  
11 deposited to the credit of the MODEX fund established in subsection 6 of this  
12 section for the operational cost of the Missouri data exchange (MODEX) system,  
13 and one-half of the charges collected shall be deposited to the credit of the inmate  
14 security fund, established in section 488.5026, of the county or municipal political  
15 subdivision from which the citation originated. If the county or municipal  
16 political subdivision has not established an inmate security fund, all of the funds  
17 shall be deposited in the MODEX fund.

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

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

30 [4.] 3. The charges provided in subsection 1 of this section shall be taxed  
31 as other costs in criminal proceedings immediately upon a plea of guilty or a  
32 finding of guilt of any defendant in any criminal procedure. The clerk shall tax  
33 all the costs in the case against such defendant, which shall be collected and

34 disbursed as provided by sections 488.010 to 488.020; provided, that no such  
35 charge shall be collected in any proceeding in any court when the proceeding or  
36 the defendant has been dismissed by the court; provided further, that all costs,  
37 incident to the issuing and serving of writs of scire facias and of writs of fieri  
38 facias, and of attachments for witnesses of defendant, shall in no case be paid by  
39 the state, but such costs incurred under writs of fieri facias and scire facias shall  
40 be paid by the defendant and such defendant's sureties, and costs for attachments  
41 for witnesses shall be paid by such witnesses.

42 [5.] 4. Mileage shall be reimbursed to sheriffs, county marshals and  
43 guards for all services rendered pursuant to this section at the rate prescribed by  
44 the Internal Revenue Service for allowable expenses for motor vehicle use  
45 expressed as an amount per mile.

46 [6.] 5. (1) There is hereby created in the state treasury the "MODEX  
47 Fund", which shall consist of money collected under subsection 1 of this  
48 section. The fund shall be administered by the peace officers standards and  
49 training commission established in section 590.120. The state treasurer shall be  
50 custodian of the fund. In accordance with sections 30.170 and 30.180, the state  
51 treasurer may approve disbursements. The fund shall be a dedicated fund and,  
52 upon appropriation, money in the fund shall be used solely for the operational  
53 support and expansion of the MODEX system.

54 (2) Notwithstanding the provisions of section 33.080 to the contrary, any  
55 moneys remaining in the fund at the end of the biennium shall not revert to the  
56 credit of the general revenue fund.

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

60 **6. The MODEX fund may accept funds from federal, state, local,**  
61 **and private entities which utilize the information from the fund to fight**  
62 **fraud and other activities which are in the best interest of law**  
63 **enforcement or the state of Missouri.**

64 **7. Any information in MODEX which is open under the provisions**  
65 **of chapter 610 is considered open and is not Criminal Justice**  
66 **Information Services data. Any information in MODEX may be shared**  
67 **with any other law enforcement agency, division, or department of the**  
68 **state of Missouri, or other entity approved by the peace officer**  
69 **standards and training commission, for the purpose of anti-fraud**

70 **efforts.**

513.653. 1. Law enforcement agencies involved in using the federal  
2 forfeiture system under federal law shall file a report regarding federal seizures  
3 and the proceeds therefrom. Such report shall be filed annually by [January  
4 thirty-first] **February fifteenth** for the previous calendar year with the  
5 [department of public safety and the] state auditor's office. The report for the  
6 calendar year shall [include the type and value of items seized and turned over  
7 to the federal forfeiture system, the beginning balance as of January first of  
8 federal forfeiture funds or assets previously received and not expended or used,  
9 the proceeds received from the federal government (the equitable sharing  
10 amount), the expenditures resulting from the proceeds received, and the ending  
11 balance as of December thirty-first of federal forfeiture funds or assets on  
12 hand. The department of public safety shall not issue funds to any law  
13 enforcement agency that fails to comply with the provisions of this section]  
14 **consist of a copy of the federal form entitled "ACA Form - Equitable**  
15 **Sharing Agreement and Certification" which is identical to the form**  
16 **submitted in that year to the federal government.**

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

544.671. Notwithstanding any supreme court rule or judicial ruling to the  
2 contrary, no defendant under a sentence of death or imprisonment in the  
3 penitentiary for life, or any sentence of imprisonment for a violation of section  
4 579.065, 565.021, [or] 565.050, **565.052 in which the victim is a law**  
5 **enforcement officer assaulted in the performance of his or her official**  
6 **duties or as a direct result of such official duties, 565.054 in which the**  
7 **victim is a law enforcement officer assaulted in the performance of his**  
8 **or her official duties or as a direct result of such official duties, 565.056**  
9 **in which the victim is a law enforcement officer assaulted in the**  
10 **performance of his or her official duties or as a direct result of such**  
11 **official duties, section 566.030, 566.032, 566.040, 566.060, 566.062, 566.070, or**  
12 **566.100, and no defendant who has pled guilty to or been found guilty of any**  
13 **felony sexual offense under chapter 566, where the victim was less than**

14 seventeen years of age at the time the crime was committed, any sexual offense  
15 under chapter 568, where the victim was less than seventeen years of age at the  
16 time the crime was committed, or any pornographic offense involving a minor as  
17 set forth in sections 573.023, 573.025, 573.035, and 573.037, and any felony  
18 violation of section 573.040, shall be entitled to bail pending appeal after June  
19 29, 1994. Pursuant to the prerogative of the general assembly to declare the  
20 public policy of this state in matters regarding criminal liability of persons and  
21 to enact laws relating to judicial procedure, the general assembly declares that  
22 subsequent to June 29, 1994, no person shall be entitled to bail or continuation  
23 of bail pursuant to section 547.170 if that person is under a sentence of death or  
24 imprisonment in the penitentiary for life, or any sentence of imprisonment for a  
25 violation of section 579.065, 565.021, [or] 565.050, **565.052 in which the victim**  
26 **is a law enforcement officer assaulted in the performance of his or her**  
27 **official duties or as a direct result of such official duties, 565.054 in**  
28 **which the victim is a law enforcement officer assaulted in the**  
29 **performance of his or her official duties or as a direct result of such**  
30 **official duties, 565.056 in which the victim is a law enforcement officer**  
31 **assaulted in the performance of his or her official duties or as a direct**  
32 **result of such official duties, section 566.030, 566.032, 566.040, 566.060,**  
33 **566.062, 566.070, or 566.100, and no defendant who has pled guilty to or been**  
34 **found guilty of any felony sexual offense under chapter 566, where the victim was**  
35 **less than seventeen years of age at the time the crime was committed, any sexual**  
36 **offense under chapter 568, where the victim was less than seventeen years of age**  
37 **at the time the crime was committed, or any pornographic offense involving a**  
38 **minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any**  
39 **felony violation of section 573.040.**

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

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

8 **3. Persons found guilty under this section shall not be eligible**  
9 **for probation or parole if the victim was a law enforcement officer**  
10 **assaulted in the performance of his or her official duties or as a direct**

**11 result of such official duties.**

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

3 (1) Attempts to kill or knowingly causes or attempts to cause serious  
4 physical injury to another person under the influence of sudden passion arising  
5 out of adequate cause; or

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

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

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

11 2. The defendant shall have the burden of injecting the issue of influence  
12 of sudden passion arising from adequate cause under subdivision (1) of subsection  
13 1 of this section.

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

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

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

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

6 **3. Persons found guilty under this section shall not be eligible**  
7 **for probation or parole if the victim was a law enforcement officer**  
8 **assaulted in the performance of his or her official duties or as a direct**  
9 **result of such official duties.**

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

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

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



7           (3) The person purposely places another person in apprehension of  
8 immediate physical injury;

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

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

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

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

18           3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of  
19 this section is a class C misdemeanor unless the victim is a special victim, as the  
20 term "special victim" is defined under section 565.002, in which case a violation  
21 of such provisions is a class A misdemeanor.

22           **4. Persons found guilty under this section shall not be eligible**  
23 **for probation or parole if the victim was a law enforcement officer**  
24 **assaulted in the performance of his or her official duties or as a direct**  
25 **result of such official duties.**

571.030. 1. A person commits the offense of unlawful use of weapons,  
2 except as otherwise provided by sections 571.101 to 571.121, if he or she  
3 knowingly:

4           (1) Carries concealed upon or about his or her person a knife, a firearm,  
5 a blackjack or any other weapon readily capable of lethal use into any area where  
6 firearms are restricted under section 571.107; or

7           (2) Sets a spring gun; or

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

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

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

17           (6) Discharges a firearm within one hundred yards of any occupied

18 schoolhouse, courthouse, or church building; or

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

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

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

31 (10) Carries a firearm, whether loaded or unloaded, or any other weapon  
32 readily capable of lethal use into any school, onto any school bus, or onto the  
33 premises of any function or activity sponsored or sanctioned by school officials or  
34 the district school board; or

35 (11) Possesses a firearm while also knowingly in possession of a controlled  
36 substance that is sufficient for a felony violation of section 579.015.

37 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
38 apply to the persons described in this subsection, regardless of whether such uses  
39 are reasonably associated with or are necessary to the fulfillment of such person's  
40 official duties except as otherwise provided in this subsection. Subdivisions (3),  
41 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any  
42 of the following persons, when such uses are reasonably associated with or are  
43 necessary to the fulfillment of such person's official duties, except as otherwise  
44 provided in this subsection:

45 (1) All state, county and municipal peace officers who have completed the  
46 training required by the police officer standards and training commission  
47 pursuant to sections 590.030 to 590.050 and who possess the duty and power of  
48 arrest for violation of the general criminal laws of the state or for violation of  
49 ordinances of counties or municipalities of the state, whether such officers are on  
50 or off duty, and whether such officers are within or outside of the law  
51 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined  
52 in subsection 12 of this section, and who carry the identification defined in  
53 subsection 13 of this section, or any person summoned by such officers to assist

54 in making arrests or preserving the peace while actually engaged in assisting  
55 such officer;

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

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

60 (4) Those persons vested by Article V, Section 1 of the Constitution of  
61 Missouri with the judicial power of the state and those persons vested by Article  
62 III of the Constitution of the United States with the judicial power of the United  
63 States, the members of the federal judiciary;

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

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

70 (7) Any state probation or parole officer, including supervisors and  
71 members of the board of probation and parole;

72 (8) Any corporate security advisor meeting the definition and fulfilling the  
73 requirements of the regulations established by the department of public safety  
74 under section 590.750;

75 (9) Any coroner, deputy coroner, medical examiner, or assistant medical  
76 examiner;

77 (10) Any municipal or county prosecuting attorney or assistant  
78 prosecuting attorney; circuit attorney or assistant circuit attorney; municipal,  
79 associate, or circuit judge; or any person appointed by a court to be a special  
80 prosecutor who has completed the firearms safety training course required under  
81 subsection 2 of section 571.111;

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

87 (12) Upon the written approval of the governing body of a fire department  
88 or fire protection district, any paid fire department or fire protection district  
89 member who is employed on a full-time basis and who has a valid concealed carry

90 endorsement issued prior to August 28, 2013, or a valid concealed carry permit,  
91 when such uses are reasonably associated with or are necessary to the fulfillment  
92 of such person's official duties.

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

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

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

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

126 state of Missouri.

127         7. Nothing in this section shall make it unlawful for a student to actually  
128 participate in school-sanctioned gun safety courses, student military or ROTC  
129 courses, or other school-sponsored or club-sponsored firearm-related events,  
130 provided the student does not carry a firearm or other weapon readily capable of  
131 lethal use into any school, onto any school bus, or onto the premises of any other  
132 function or activity sponsored or sanctioned by school officials or the district  
133 school board.

134         8. A person who commits the [crime] **offense** of unlawful use of weapons  
135 under:

136             (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be  
137 guilty of a class E felony;

138             (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be  
139 guilty of a class B misdemeanor, except when a concealed weapon is carried onto  
140 any private property whose owner has posted the premises as being off-limits to  
141 concealed firearms by means of one or more signs displayed in a conspicuous  
142 place of a minimum size of eleven inches by fourteen inches with the writing  
143 thereon in letters of not less than one inch, in which case the penalties of  
144 subsection 2 of section 571.107 shall apply;

145             (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of  
146 a class A misdemeanor if the firearm is unloaded and a class E felony if the  
147 firearm is loaded;

148             (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class  
149 B felony, except that if the violation of subdivision (9) of subsection 1 of this  
150 section results in injury or death to another person, it is a class A felony.

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

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

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

159             (3) For any violation by a persistent offender as defined in section  
160 558.016, a person shall be sentenced to the maximum authorized term of  
161 imprisonment for a class B felony without the possibility of parole, probation, or

162 conditional release;

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

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

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

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

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

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

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

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

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

190 (6) Is not under the influence of alcohol or another intoxicating or  
191 hallucinatory drug or substance; and

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

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

195 (1) A photographic identification issued by the agency from which the  
196 individual retired from service as a peace officer that indicates that the individual  
197 has, not less recently than one year before the date the individual is carrying the

198 concealed firearm, been tested or otherwise found by the agency to meet the  
199 standards established by the agency for training and qualification for active peace  
200 officers to carry a firearm of the same type as the concealed firearm; or

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

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

209 **14. Notwithstanding any provision of this section to the contrary,**  
210 **for a violation of subdivision (2), (3), (4), (6), or (7) of subsection 1 of**  
211 **this section in which the victim is a law enforcement officer, as defined**  
212 **under section 556.061, such offense is a class D felony.**

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

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

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

11 2. This section applies to:

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

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

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

17 3. A person is presumed to be fleeing a vehicle stop if he or she continues  
18 to operate a motor vehicle after he or she has seen or should have seen clearly  
19 visible emergency lights or has heard or should have heard an audible signal  
20 emanating from the law enforcement vehicle pursuing him or her.

21 4. It is no defense to a prosecution pursuant to subsection 1 of this section

22 that the law enforcement officer was acting unlawfully in making the  
23 arrest. However, nothing in this section shall be construed to bar civil suits for  
24 unlawful arrest.

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

27             (1) Felony;

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

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

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

34         **6. Persons found guilty under this section shall not be eligible**  
35 **for probation or parole.**

**590.1040. 1. For purposes of this section, the following terms**  
2 **mean:**

3             **(1) "Emergency services personnel", any employee or volunteer**  
4 **of an emergency services provider who is engaged in providing or**  
5 **supporting firefighting, dispatching services, and emergency medical**  
6 **services;**

7             **(2) "Emergency services provider", any public employer that**  
8 **employs persons to provide firefighting, dispatching services, and**  
9 **emergency medical services;**

10            **(3) "Employee assistance program", a program established by a**  
11 **law enforcement agency or emergency services provider to provide**  
12 **professional counseling or support services to employees of a law**  
13 **enforcement agency, emergency services provider, or a professional**  
14 **mental health provider associated with a peer support team;**

15            **(4) "Law enforcement agency", any public agency that employs**  
16 **law enforcement personnel;**

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



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

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

29           (a) Is designated by a law enforcement agency, emergency  
30 services provider, employee assistance program, or peer support team  
31 leader to lead, moderate, or assist in a peer support counseling session;

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

33           (c) Has received training in counseling and providing emotional  
34 and moral support to law enforcement officers or emergency services  
35 personnel who have been involved in emotionally traumatic incidents  
36 by reason of his or her employment;

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

40           2. Any communication made by a participant or peer support  
41 specialist in a peer support counseling session, and any oral or written  
42 information conveyed in or as the result of a peer support counseling  
43 session, are confidential and may not be disclosed by any person  
44 participating in the peer support counseling session.

45           3. Any communication relating to a peer support counseling  
46 session that is made between peer support specialists, between peer  
47 support specialists and the supervisors or staff of an employee  
48 assistance program, or between the supervisors or staff of an employee  
49 assistance program, is confidential and may not be disclosed.

50           4. The provisions of this section shall apply only to peer support  
51 counseling sessions conducted by a peer support specialist.

52           5. The provisions of this section shall apply to all oral  
53 communications, notes, records, and reports arising out of a peer  
54 support counseling session. Any notes, records or reports arising out  
55 of a peer support counseling session shall not be public records and  
56 shall not be subject to the provisions of chapter 610. Nothing in this  
57 section limits the discovery or introduction into evidence of knowledge  
58 acquired by any law enforcement personnel or emergency services  
59 personnel from observation made during the course of employment, or  
60 material or information acquired during the course of employment, that

61 is otherwise subject to discovery or introduction into evidence.

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

63           **(1) Threat of suicide or criminal act made by a participant in a**  
64 **peer support counseling session, or any information conveyed in a peer**  
65 **support counseling session relating to a threat of suicide or criminal**  
66 **act;**

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

69           **(3) Admission of criminal conduct;**

70           **(4) Disclosure of testimony by a participant who received peer**  
71 **support counseling services and expressly consented to such disclosure;**  
72 **or**

73           **(5) Disclosure of testimony by the surviving spouse or executor**  
74 **or administrator of the estate of a deceased participant who received**  
75 **peer support counseling services and such surviving spouse or executor**  
76 **or administrator expressly consented to such disclosure.**

77           **7. The provisions of this section shall not prohibit any**  
78 **communications between peer support specialists who conduct peer**  
79 **support counseling sessions or any communications between peer**  
80 **support specialists and the supervisors or staff of an employee**  
81 **assistance program.**

82           **8. The provisions of this section shall not prohibit**  
83 **communications regarding fitness of an employee for duty between an**  
84 **employee assistance program and an employer.**

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

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

8           (2) One member chosen to represent the Missouri public service  
9 commission;

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

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

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

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

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

21           (8) One member chosen to represent a league or association domiciled in  
22 this state whose primary interest relates to issues pertaining to municipalities;

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

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

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

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

33           (13) One member chosen to represent telecommunications service  
34 providers with less than one hundred thousand access lines located within  
35 Missouri;

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

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

41           2. Each of the members of the committee for 911 service oversight shall  
42 be appointed by the governor with the advice and consent of the senate for a term  
43 of four years; except that, of those members first appointed, four members shall  
44 be appointed to serve for one year, four members shall be appointed to serve for  
45 two years, four members shall be appointed to serve for three years and four  
46 members shall be appointed to serve for four years. Members of the committee  
47 may serve multiple terms.

48           3. The committee for 911 service oversight shall meet at least quarterly  
49 at a place and time specified by the chairperson of the committee and it shall

50 keep and maintain records of such meetings, as well as the other activities of the  
51 committee. Members shall not be compensated but shall receive actual and  
52 necessary expenses for attending meetings of the committee.

53 4. The committee for 911 service oversight shall:

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

56 (2) Provide recommendations for primary answering points and secondary  
57 answering points on statewide technical and operational standards for 911  
58 services;

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

61 (4) Provide requested mediation services to political subdivisions involved  
62 in jurisdictional disputes regarding the provision of 911 services, except that such  
63 committee shall not supersede decision-making authority of local political  
64 subdivisions in regard to 911 services;

65 (5) Provide assistance to the governor and the general assembly regarding  
66 911 services;

67 (6) Review existing and proposed legislation and make recommendations  
68 as to changes that would improve such legislation;

69 (7) Aid and assist in the timely collection and dissemination of  
70 information relating to the use of a universal emergency telephone number;

71 (8) Perform other duties as necessary to promote successful development,  
72 implementation and operation of 911 systems across the state; and

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

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

78 6. The department of public safety is authorized to adopt those rules that  
79 are reasonable and necessary to accomplish the limited duties specifically  
80 delegated within section 650.340. Any rule or portion of a rule, as that term is  
81 defined in section 536.010, shall become effective only if it has been promulgated  
82 pursuant to the provisions of chapter 536. This section and chapter 536 are  
83 nonseverable and if any of the powers vested with the general assembly pursuant  
84 to chapter 536 to review, to delay the effective date or to disapprove and annul  
85 a rule are subsequently held unconstitutional, then the grant of rulemaking

86 authority and any rule proposed or adopted after August 28, 1999, shall be  
87 invalid and void.

88       **7. The director of the department of public safety shall be the**  
89 **state of Missouri's state 911 coordinator and the director may designate**  
90 **an employee of the department of public safety to act as his or her**  
91 **designee in accomplishing the responsibilities of the Missouri state 911**  
92 **coordinator.**

✓  
Unofficial

Bill

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