

Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

FOURTH DAY—THURSDAY, AUGUST 6, 2020

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Gauck offered the following prayer:

Therefore, my beloved, be steadfast, immovable, always excelling in the work of the Lord, because you know that in the Lord your labor is not in vain. (I Corinthians 15:57-58)

Lord God, we know that we live in two kingdoms, of mankind and of You our God. We know that You have instituted government for the fair regulating of life among Your people and so we pray today that the laws we hope to write will truly be for the benefit of all as we seek to live peacefully together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Libla moved that **SB 1** be taken up for perfection, which motion prevailed.

Senator Libla offered **SS** for **SB 1**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 1

An Act to repeal sections 84.344, 568.045, and 571.060, RSMo, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and to enact in lieu thereof eight new sections relating to public safety, with penalty provisions, an emergency clause for certain sections and an effective date for a certain section.

Senator Libla moved that **SS** for **SB 1** be adopted.

Senator May offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1, Page 3, Section 84.344, Lines 10-19 of said page, by striking said lines and inserting in lieu thereof the following:

“6. (1) Commencing August 31, 2020, commissioned and civilian personnel who [were previously] are employed by the [board shall continue to] municipal police force established under this section shall not be subject, throughout their employment for the city not within a county, to a residency [rule no more restrictive than a] requirement of retaining a primary residence in a city not within a county [for a total of seven years and of then allowing them to maintain a] so long as the primary residence [outside the city not within a county so long as the residence] is located within a one-hour response time. The provisions of this subdivision shall expire on August 31, 2021.

(2) Only commissioned and civilian personnel who are hired after August 31, 2021, by the municipal police force established under this section may be subject, throughout their employment for a city not within a county, to a residency rule no more restrictive than a requirement of retaining a residence in a city not within a county for a total of seven years and of then allowing them to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.”; and

Further amend said bill, Page 16, Section 285.040, Line 3 of said page, by inserting after all of said line the following:

“3. Public safety employees who are hired after August 31, 2021, by a city not within a county throughout their employment for the city not within a county, may be subject to a residence rule no more restrictive than a requirement of retaining a residence in a city not within a county for a total a seven years and of then allowing them to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.”.

Senator May moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Eigel offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 1, Page 1, Line 15, by striking “2021” and inserting in lieu thereof the following: “**2025**”; and further amend line 17 by striking “2021” and inserting in lieu thereof the following: “**2025**”; and further amend lines 19-21 by striking all of said lines; and

Further amend said amendment, page 2, lines 1-3, by striking all of said lines and inserting in lieu thereof the following: “**for a city not within a county, to a residency rule no more restrictive than allowing them to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.**”; and”; and further amend line 7, by striking “2021” and inserting in lieu thereof the following: “**2025**”; and further amend lines 9-11, by striking all of said lines and inserting in lieu thereof the following: “**rule no more restrictive than allowing them to maintain a primary residence outside**”.

Senator Eigel moved that the above amendment be adopted.

Senator Cunningham assumed the Chair.

President Kehoe assumed the Chair.

Senator Nasheed moved that **SA 1 to SA 1** lay on the table indefinitely, pursuant to Senate Rule 73.

Senator Luetkemeyer requested a roll call vote be taken. He was joined in his request by Senators Eigel, Emery, Libla and Sater.

The motion to lay **SA 1 to SA 1** on the table indefinitely failed by the following vote:

YEAS—Senators

Arthur	May	Nasheed	Rizzo	Schupp	Sifton	Walsh
Williams—8						

NAYS—Senators

Bernskoetter	Brown	Burlison	Crawford	Cunningham	Eigel	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	O’Laughlin
Onder	Riddle	Rowden	Sater	Schatz	Wallingford	White
Wieland—22						

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—3

President Pro Tem Schatz assumed the Chair.

President Kehoe assumed the Chair.

Senator Eigel moved that **SA 1 to SA 1** be adopted, which motion prevailed by a standing division vote.

At the request of Senator May, SA 1 was withdrawn, rendering SA 1 to SA 1 moot.

Senator Nasheed offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1, Page 18, Section 491.641, Line 23 of this page, by inserting after all of said line the following:

“563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, a law enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he or she reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer's underlying intent or motivation.

3. [In effecting an arrest or in preventing an escape from custody,] A law enforcement officer is justified in using deadly force only:

(1) When deadly force is authorized under other sections of this chapter; or

(2) When the officer reasonably believes that such use of deadly force is immediately necessary to effect the arrest or prevent an escape from custody and also [reasonably believes] **has probable cause to believe** that the person to be arrested:

(a) Has committed or attempted to commit a felony offense involving the infliction or threatened infliction of serious physical injury; or

(b) [Is attempting to escape by use of a deadly weapon or dangerous instrument; or

(c)] May otherwise [endanger life or inflict] **pose a threat of** serious physical injury to the officer or others unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.”; and

Further amend said bill, Page 20, Section 571.060, Line 25 of said page, by inserting after all of said line the following:

“[544.190. If, after notice of the intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary means to effect the arrest.]”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Rowden raised the point of order that SA 2 is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it well taken.

The Senate observed a moment of silence in memory of Congressman John Lewis.

Senator May offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1, Pages 1-6, Section 84.344, by striking all of said section from the bill; and

Further amend said bill, Pages 15-16, Section 285.040, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Crawford assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Libla, **SS** for **SB 1** was withdrawn, rendering **SA 3** moot.

Senator Libla offered **SS No. 2** for **SB 1**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 1

An Act to repeal sections 84.344, 217.345, 568.045, and 571.060, RSMo, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and to enact in lieu thereof ten new sections relating to public safety, with penalty provisions, an emergency clause for certain sections and an effective date for a certain section.

Senator Libla moved that **SS No. 2** for **SB 1** be adopted.

On motion of Senator Rowden, the Senate recessed until 8:15 p.m., which placed **SB 1**, with **SS No. 2** (pending), on the Informal Calendar.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Libla moved that **SB 1**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Libla, **SB 1**, with **SS No. 2** (pending) was withdrawn.

Senator Libla offered **SS No. 3** for **SB 1**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE BILL NO. 1

An Act to repeal sections 84.344, 217.345, 568.045, and 571.060, RSMo, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and to enact in lieu thereof ten new sections relating to public safety,

with penalty provisions, an emergency clause for certain sections and an effective date for a certain section.

Senator Libla moved that **SS No. 3** for **SB 1** be adopted, which motion prevailed.

On motion of Senator Libla, **SS No. 3** for **SB 1** was declared perfected and ordered printed.

On motion of Senator Rowden, the Senate recessed until 10:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 3** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SS No. 3** for **SB 1** to the Committee on Fiscal Oversight.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY—FRIDAY, AUGUST 7, 2020

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 2-Libla	SB 11-Schupp
SB 3-Libla	SB 12-Schupp
SB 4-Libla	SB 13-Onder
SB 5-Koenig	SB 14-Onder
SB 6-Eigel	SB 15-Onder
SB 7-Eigel	SB 16-Williams
SB 8-Eigel	SB 17-May
SB 9-Eigel	SB 18-May
SB 10-Eigel	SJR 1-Eigel

THIRD READING OF SENATE BILLS

SS#3 for SB 1-Libla (In Fiscal Oversight)

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