

SENATE BILL NO. 766

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

3418S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to detention on arrest without a warrant, with an existing penalty provision.

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

Section A. Section 544.170, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 544.170,
3 to read as follows:

544.170. 1. All persons arrested and confined in any
2 jail or other place of confinement by any peace officer,
3 without warrant or other process, for any alleged breach of
4 the peace or other criminal offense, or on suspicion
5 thereof, shall be discharged from said custody within twenty-
6 four hours from the time of such arrest, unless they shall
7 be charged with a criminal offense by the oath of some
8 credible person, and be held by warrant to answer to such
9 offense.

10 2. In any confinement to which the provisions of this
11 section apply, the confinee shall be permitted at any
12 reasonable time to consult with counsel or other persons
13 acting on the confinee's behalf.

14 3. Any person who violates the provisions of this
15 section, by refusing to release any person who is entitled
16 to release pursuant to this section, or by refusing to
17 permit a confinee to consult with counsel or other persons,
18 or who transfers any such confinees to the custody or

19 control of another, or to another place, or who falsely
20 charges such person, with intent to avoid the provisions of
21 this section, is guilty of a class A misdemeanor.

22 **4. Notwithstanding the provisions of subsection 1 of**
23 **this section to the contrary, all persons arrested and**
24 **confined in any jail or other place of confinement by any**
25 **peace officer, without warrant or other process, for a**
26 **criminal offense involving a dangerous felony or deadly**
27 **weapon as defined in section 556.061, or on suspicion**
28 **thereof, shall be discharged from said custody within forty-**
29 **eight hours from the time of such arrest, unless they shall**
30 **be charged with a criminal offense by the oath of some**
31 **credible person, and be held by warrant to answer to such**
32 **offense.**

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