

SECOND REGULAR SESSION

SENATE BILL NO. 660

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Read 1st time January 7, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2869.011

AN ACT

To repeal section 544.157, RSMo Supp. 1997 relating to arrest powers, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 544.157, RSMo Supp. 1997, is repealed and one new section enacted in lieu thereof, to be known as section 544.157, to read as follows:

544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, any commissioned member of the Missouri state park rangers and any authorized agent of the Missouri state water patrol in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state [or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance,] or for whom such officer holds a **felony** warrant of arrest for a **felony** criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's, state park ranger's or water patrol officer's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. [If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.]

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; [if the violator is served with a uniform traffic

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

ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense;] if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made [or before a municipal judge thereof having original jurisdiction to try such offense,] who may release the person as provided in section 544.455, conditioned upon such person's appearance before the court having jurisdiction to try the offense. [The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.]

3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, [or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section] or for whom such officer holds a **felony** warrant of arrest for a **felony** criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a **written** policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

- (1) There shall be supervisory control of the pursuit;
 - (2) There shall be **written** procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;
 - (3) There shall be **written** procedures for coordinating operation with other jurisdictions;
- [and]

(4) There shall be **written** guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated[.];

(5) The public agencies electing to institute vehicular pursuits shall maintain systems to collect information on pursuit driving; systems which shall be written by the Missouri department of public safety and promulgated by rule;

(6) The vehicular pursuit policies adopted by each public agency shall be reviewed and updated every two years, and meet the specifications on vehicular pursuits which shall be written and promulgated by rule by the Missouri department of public safety;

(7) The written policies on vehicular pursuit of each public agency shall be supported by actual drivers training for pursuit situations and classroom training on when and why vehicular pursuits should be undertaken; the number of hours of

training and the specific situation training which shall be written and promulgated by rule by the Missouri department of public safety; and

(8) The public agencies shall for each "fresh pursuit" initiated require the pursuing officer or officers to justify their actions in writing based upon the written policies of their agency and the Missouri department of public safety; and the appropriate supervisor or supervisors of the public agency shall evaluate each "fresh pursuit" initiated, based upon the written policies of the public agency and the Missouri department of public safety.

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