

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 673

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

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

Read 2nd time January 15, 1998, and referred to the Committee on Civil and Criminal Jurisprudence.

Reported from the Committee February 2, 1998, with recommendation that the bill do pass with Senate Committee Amendment No. 1 and be placed on the Consent Calendar.

Senate Committee Amendment No. 1 adopted February 12, 1998.

Taken up February 12, 1998. Read 3rd time and placed upon its final passage; bill passed, as amended.

TERRY L. SPIELER, Secretary.

S3062.01P

AN ACT

To amend chapter 455, RSMo, by adding thereto four new sections relating to domestic violence.

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

Section A. Chapter 455, RSMo, is amended by adding thereto four new sections, to be known as sections 455.540, 455.543, 455.545 and 455.547, to read as follows:

455.540. As used in sections 455.540 to 455.547, the following terms shall mean:

(1) "Adult", any person eighteen years of age or older;

(2) "Domestic violence", any dispute arising between spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, and adults who have had a child in common regardless of whether they have been married or have resided together at any time;

(3) "Homicide", any crime which may be charged as one of the following: first degree murder pursuant to section 565.020, RSMo; second degree murder pursuant to section 565.021, RSMo; voluntary manslaughter pursuant to section 565.023, RSMo; or involuntary manslaughter pursuant to section 565.024, RSMo.

455.543. 1. In any case involving a homicide where the victim is an adult, the local law enforcement agency with jurisdiction shall make a determination as to whether there is reason to believe the homicide is related to domestic violence.

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

- (1) The relationship between the perpetrator and the victim;**
- (2) Whether the victim had previously filed for an order of protection pursuant to chapter 455, RSMo;**
- (3) Whether such agency has previously investigated or received reports of alleged incidents of domestic violence against the victim; and**
- (4) Any other evidence regarding the homicide that assists the agency in making its determination.**

3. After making a determination as to whether the homicide is related to domestic violence, the chief local law enforcement officer or his designee shall complete an appropriate form stating whether the homicide was related to domestic violence and which shall include the name, gender and age of the victim. The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all local law enforcement agencies by October 1, 1998. Completed forms shall be forwarded to the highway patrol no later than seven days after a suspect is arrested for the homicide.

455.545. The highway patrol shall compile an annual report of homicides related to domestic violence. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

455.547. Any employee of a law enforcement agency who, in good faith, completes and sends a form pursuant to section 455.543 shall be immune from liability.

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