

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2

AN ACT

To amend chapters 27 and 491, RSMo, by adding thereto two new sections relating to criminal procedure, with an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Chapters 27 and 491, RSMo, are amended by adding thereto two new sections, to be known as sections 27.120 and 491.016, to read as follows:

27.120. 1. The provisions of this section shall apply to any city not within a county.

2. The attorney general shall have authority to prosecute under the provisions of this section if:

(1) A written request of the attorney general has been made by the chief law enforcement officer of the investigative agency for the alleged criminal offense or offenses;

(2) Ninety days or more have passed since the alleged commission of a violation of section 565.020 or 565.021; and

(3) A complaint, information, or indictment charging a violation of sections 565.020 or 565.021 has not been filed or has been filed and dismissed.

3. The attorney general may commence and prosecute any alleged violation of section 565.020 or 565.021 by filing a

1 complaint, information, or indictment. If the attorney general
2 commences and prosecutes an action pursuant to this section, he
3 or she may commence and prosecute any additional violation that
4 was part of the same course of conduct as the violation of
5 section 565.020 or 565.021.

6 4. If the attorney general commences and prosecutes an
7 action pursuant to this section, the attorney general shall
8 exercise all authority, duties, rights, and responsibilities in
9 the matter exclusive of any circuit attorney. No circuit
10 attorney shall have the authority to commence, prosecute,
11 dismiss, or otherwise effect any criminal action if the attorney
12 general commences and prosecutes an action under this section and
13 the circuit attorney shall, within fifteen days of the attorney
14 general commencing prosecution under this section, transmit to
15 the attorney general all materials collected or prepared by the
16 circuit attorney related to the alleged criminal violation or
17 violations.

18 5. In all such proceedings authorized under this section,
19 the attorney general may appear in person or by appointing his or
20 her assistant attorneys general before any court of record or
21 grand jury and exercise all the powers and perform all the duties
22 in respect to such actions or proceedings which a circuit
23 attorney would otherwise be authorized or required to exercise or
24 perform.

25 6. Upon any conviction by the attorney general pursuant to
26 this section, he or she shall have exclusive authority to
27 represent the state in all post-conviction relief proceedings
28 under sections 547.360 and 547.370. The attorney general shall

1 exercise all the powers and perform all the duties in respect to
2 such actions and proceedings which a circuit attorney would
3 otherwise be authorized or required to exercise or perform under
4 sections 547.360 and 547.370.

5 7. The provisions of this section shall apply to criminal
6 offenses occurring before or after the effective date of this
7 section.

8 8. The provisions of this section shall expire on August
9 31, 2023.

10 491.016. 1. A statement made by a witness, which is not
11 otherwise admissible, is admissible in evidence in a criminal
12 proceeding as substantive evidence to prove the truth of the
13 matter asserted if, after a hearing, the court finds, by a
14 preponderance of the evidence, that:

15 (1) The defendant engaged in or acquiesced to wrongdoing
16 with the purpose of causing the unavailability of the witness;

17 (2) The wrongdoing in which the defendant engaged or
18 acquiesced has caused the unavailability of the witness;

19 (3) The state exercised due diligence to secure by subpoena
20 or other means the attendance of the witness at the proceeding,
21 or the witness is unavailable because the defendant caused the
22 death of the witness; and

23 (4) The witness fails to appear at the proceeding.

24 2. In a jury trial, the hearing and finding to determine
25 the admissibility of the statement shall be held and found
26 outside the presence of the jury and before the case is submitted
27 to the jury.

28 Section B. Because immediate action is necessary to further

1 equip and enhance our criminal justice system to fight violent
2 crime in Missouri and protect our citizens and residents due to
3 the recent unprecedented wave of violent crime across our nation
4 and state, section A of this act is deemed necessary for the
5 immediate preservation of the public health, welfare, peace, and
6 safety, and is hereby declared to be an emergency act within the
7 meaning of the constitution, and section A of this act shall be
8 in full force and effect upon its passage and approval.

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION
[PERFECTED]

HOUSE BILL NO. 11

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

5792H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to the offense of endangering the welfare of a child in the first degree, with penalty provisions and an emergency clause.

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

Section A. Section 568.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.045, to read as follows:

568.045. 1. A person commits the offense of endangering the welfare of a child in the first degree if he or she:

(1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years of age; or

(2) Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter **571 or 579**;

(4) In the presence of a child less than seventeen years of age or in a residence where a child less than seventeen years of age resides, unlawfully manufactures~~;~~ or attempts to manufacture, compounds, possesses, produces, prepares, sells, transports, tests, or analyzes amphetamine or methamphetamine or any of ~~their~~ **its** analogues.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 2. The offense of endangering the welfare of a child in the first degree is a class D felony
14 unless the offense:

15 (1) Is committed as part of an act or series of acts performed by two or more persons as
16 part of an established or prescribed pattern of activity, or where physical injury to the child
17 results, or the offense is a second or subsequent offense under this section, in which case the
18 offense is a class C felony;

19 (2) Results in serious physical injury to the child, in which case the offense is a class B
20 felony; or

21 (3) Results in the death of a child, in which case the offense is a class A felony.

 Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and residents
3 due to the recent unprecedented wave of violent crime across our nation and state, section A of
4 this act is deemed necessary for the immediate preservation of the public health, welfare, peace,
5 and safety, and is hereby declared to be an emergency act within the meaning of the constitution,
6 and section A of this act shall be in full force and effect upon its passage and approval.

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FIRST EXTRAORDINARY SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 16
100TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, September 1, 2020, with recommendation that the Senate Committee Substitute do pass.

5806S.05C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful transfer of weapons, with penalty provisions.

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

Section A. Section 571.060, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 571.060, to read as follows:

571.060. 1. A person commits the offense of unlawful transfer of weapons
2 if he **or she**:

3 (1) Knowingly sells, leases, [loans] **lends**, gives away, or delivers a
4 firearm or ammunition for a firearm to any person who, under the provisions of
5 section 571.070, is not lawfully entitled to possess such;

6 (2) **Knowingly sells, leases, lends, gives away, or delivers a**
7 **firearm to a person under eighteen years of age for the purpose of**
8 **avoiding, interfering with, or preventing a lawful felony arrest,**
9 **detention, or investigation of any alleged offense;**

10 (3) Knowingly sells, leases, [loans] **lends**, gives away, or delivers a
11 blackjack to a person [less than] **under** eighteen years [old] **of age** without the
12 consent of the child's custodial parent or guardian[, or]; **provided, that this**
13 **does not prohibit the delivery of a blackjack to any peace officer or**
14 **member of the Armed Forces or National Guard while performing his**
15 **or her official duty; or**

16 (4) Recklessly, as defined in section 562.016, sells, leases, loans, gives
17 away or delivers any firearm to a person less than eighteen years [old] **of age**

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

18 without the consent of the child's custodial parent or guardian; provided, that this
19 does not prohibit the delivery of such weapons to any peace officer or member of
20 the Armed Forces or National Guard while performing his **or her** official duty;
21 or

22 ~~[(3)]~~ **(5)** Recklessly, as defined in section 562.016, sells, leases, ~~[loans]~~
23 **lends**, gives away, or delivers a firearm or ammunition for a firearm to a person
24 who is intoxicated.

25 2. Unlawful transfer of weapons under subdivision (1) **or (2)** of subsection
26 1 of this section is a class E felony; unlawful transfer of weapons under
27 ~~[subdivisions (2) and]~~ **subdivision (3), (4), or (5)** of subsection 1 of this section
28 is a class A misdemeanor.

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FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 46
100TH GENERAL ASSEMBLY

5857H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof two new sections relating to residency requirements for certain municipal personnel, with an emergency clause.

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

Section A. Section 84.344, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 84.344 and 285.040, to read as follows:

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 4. Before a city not within a county may establish a municipal police force under this
17 section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as
18 successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of
19 the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

20 5. A city not within a county that establishes a municipal police force shall initially
21 employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel
22 of the board of police commissioners created under sections 84.010 to 84.340 that were
23 employed by the board immediately prior to the date the municipal police force was established.
24 Such commissioned personnel who previously were employed by the board may only be
25 involuntarily terminated by the city not within a county for cause. The city shall also recognize
26 all accrued years of service that such commissioned and civilian personnel had with the board
27 of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and
28 sick leave they were entitled to as employees of the board of police commissioners.

29 6. (1) Commissioned and civilian personnel ~~[who were previously employed by the~~
30 ~~board]~~ **of a municipal police force established under this section who are hired prior to**
31 **September 1, 2023**, shall ~~[continue to]~~ **not** be subject~~[- throughout their employment for the city~~
32 ~~not within a county,]~~ to a residency ~~[rule no more restrictive than a]~~ requirement of retaining a
33 primary residence in a city not within a county ~~[for a total of seven years and of then allowing~~
34 ~~them to]~~ **but may be required to** maintain a primary residence ~~[outside the city not within a~~
35 ~~county so long as the residence is]~~ located within a one-hour response time.

36 (2) **Commissioned and civilian personnel of a municipal police force established**
37 **under this section who are hired after August 31, 2023, may be subject to a residency rule**
38 **no more restrictive than a requirement of retaining a primary residence in a city not within**
39 **a county for a total of seven years and of then allowing the personnel to maintain a**
40 **primary residence outside the city not within a county so long as the primary residence is**
41 **located within a one-hour response time.**

42 7. The commissioned and civilian personnel who retire from service with the board of
43 police commissioners before the establishment of a municipal police force under subsection 1
44 of this section shall continue to be entitled to the same pension benefits provided under chapter
45 86 and the same benefits set forth in subsection 5 of this section.

46 8. If the city not within a county elects to establish a municipal police force under this
47 section, the city shall establish a separate division for the operation of its municipal police force.
48 The civil service commission of the city may adopt rules and regulations appropriate for the
49 unique operation of a police department. Such rules and regulations shall reserve exclusive
50 authority over the disciplinary process and procedures affecting commissioned officers to the
51 civil service commission; however, until such time as the city adopts such rules and regulations,

52 the commissioned personnel shall continue to be governed by the board of police commissioner's
53 rules and regulations in effect immediately prior to the establishment of the municipal police
54 force, with the police chief acting in place of the board of police commissioners for purposes of
55 applying the rules and regulations. Unless otherwise provided for, existing civil service
56 commission rules and regulations governing the appeal of disciplinary decisions to the civil
57 service commission shall apply to all commissioned and civilian personnel. The civil service
58 commission's rules and regulations shall provide that records prepared for disciplinary purposes
59 shall be confidential, closed records available solely to the civil service commission and those
60 who possess authority to conduct investigations regarding disciplinary matters pursuant to the
61 civil service commission's rules and regulations. A hearing officer shall be appointed by the civil
62 service commission to hear any such appeals that involve discipline resulting in a suspension of
63 greater than fifteen days, demotion, or termination, but the civil service commission shall make
64 the final findings of fact, conclusions of law, and decision which shall be subject to any right of
65 appeal under chapter 536.

66 9. A city not within a county that establishes and maintains a municipal police force
67 under this section:

68 (1) Shall provide or contract for life insurance coverage and for insurance benefits
69 providing health, medical, and disability coverage for commissioned and civilian personnel of
70 the municipal police force to the same extent as was provided by the board of police
71 commissioners under section 84.160;

72 (2) Shall provide or contract for medical and life insurance coverage for any
73 commissioned or civilian personnel who retired from service with the board of police
74 commissioners or who were employed by the board of police commissioners and retire from the
75 municipal police force of a city not within a county to the same extent such medical and life
76 insurance coverage was provided by the board of police commissioners under section 84.160;

77 (3) Shall make available medical and life insurance coverage for purchase to the spouses
78 or dependents of commissioned and civilian personnel who retire from service with the board
79 of police commissioners or the municipal police force and deceased commissioned and civilian
80 personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such
81 dependent's or spouse's coverage would cost under the appropriate plan if the deceased were
82 living; and

83 (4) May pay an additional shift differential compensation to commissioned and civilian
84 personnel for evening and night tours of duty in an amount not to exceed ten percent of the
85 officer's base hourly rate.

86 10. A city not within a county that establishes a municipal police force under sections
87 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:

88 coordinating and implementing the transition of authority, operations, assets, and obligations
89 from the board of police commissioners to the city; winding down the affairs of the board;
90 making nonbinding recommendations for the transition of the police force from the board to the
91 city; and other related duties, if any, established by executive order of the city's mayor. Once the
92 ordinance referenced in this section is enacted, the city shall provide written notice to the board
93 of police commissioners and the governor of the state of Missouri. Within thirty days of such
94 notice, the mayor shall appoint three members to the committee, two of whom shall be members
95 of a statewide law enforcement association that represents at least five thousand law enforcement
96 officers. The remaining members of the committee shall include the police chief of the
97 municipal police force and a person who currently or previously served as a commissioner on
98 the board of police commissioners, who shall be appointed to the committee by the mayor of
99 such city.

**285.040. 1. As used in this section, "public safety employee" shall mean a person
2 trained or authorized by law or rule to render emergency medical assistance or treatment,
3 including, but not limited to, firefighters, ambulance attendants and attendant drivers,
4 emergency medical technicians, emergency medical technician paramedics, dispatchers,
5 registered nurses, physicians, and sheriffs and deputy sheriffs.**

**6 2. No public safety employee of a city not within a county who is hired prior to
7 September 1, 2023, shall be subject to a residency requirement of retaining a primary
8 residence in a city not within a county but may be required to maintain a primary
9 residence located within a one-hour response time.**

**10 3. Public safety employees of a city not within a county who are hired after August
11 31, 2023, may be subject to a residency rule no more restrictive than a requirement of
12 retaining a primary residence in a city not within a county for a total of seven years and
13 of then allowing the public safety employee to maintain a primary residence outside the
14 city not within a county so long as the primary residence is located within a one-hour
15 response time.**

Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and residents
3 from the recent unprecedented wave of violent crime across our nation and state, the enactment
4 of section 285.040 and the repeal and reenactment of section 84.344 of this act are deemed
5 necessary for the immediate preservation of the public health, welfare, peace, and safety and are
6 hereby declared to be an emergency act within the meaning of the constitution, and the enactment
7 of section 285.040 and the repeal and reenactment of section 84.344 of this act shall be in full
8 force and effect upon its passage and approval.

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FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION
[PERFECTED]

HOUSE BILL NO. 66

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PATTERSON.

5918H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 491, RSMo, by adding thereto one new section relating to witness protection programs, with an emergency clause.

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

Section A. Chapter 491, RSMo, is amended by adding thereto one new section, to be
2 known as section 491.641, to read as follows:

**491.641. 1. (1) There is hereby created in the state treasury the "Pretrial Witness
2 Protection Services Fund", which shall consist of moneys collected under this section. The
3 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
4 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
5 and money in the fund shall be used solely by the department of public safety for the
6 purposes of witness protection services pursuant to this section.**

7 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
8 remaining in the fund at the end of the biennium shall not revert to the credit of the
9 general revenue fund.**

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

13 **2. Any law enforcement agency may provide for the security of witnesses, potential
14 witnesses, and their immediate families in criminal proceedings instituted or investigations**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 pending against a person alleged to have engaged in a violation of state law. Providing for
16 witnesses may include provision of housing facilities and for the health, safety, and welfare
17 of such witnesses and their immediate families, if testimony by such a witness might subject
18 the witness or a member of his or her immediate family to danger of bodily injury, and
19 may continue so long as such danger exists. Subject to appropriations from the general
20 assembly for the purposes provided for in this section, funds may be appropriated from
21 the pretrial witness protection services fund.

22 3. The department of public safety may authorize funds to be disbursed to law
23 enforcement agencies for the purchase, rental, or modification of protected housing
24 facilities for the purpose of this section. The law enforcement agency may contract with
25 any department of federal or state government to obtain or to provide the facilities or
26 services to carry out this section.

27 4. The department of public safety may authorize expenditures for law enforcement
28 agencies to provide for the health, safety, and welfare of witnesses and victims, and the
29 families of such witnesses and victims, whenever testimony from, or a willingness to testify
30 by, such a witness or victim would place the life of such person, or a member of his or her
31 family or household, in jeopardy. A law enforcement agency shall submit an application
32 to the department of public safety which shall include, but not necessarily be limited to:

33 (1) Statement of conditions which qualify persons for protection;

34 (2) Precise methods the originating agency will use to provide protection, including
35 relocation of persons and reciprocal agreements with other law enforcement agencies;

36 (3) Statement of the projected costs over a specified period of time;

37 (4) If the requesting agency expects the person to provide evidence in any court of
38 competent jurisdiction:

39 (a) Brief statement of the anticipated evidence;

40 (b) Certification of a reasonable belief in the person's competency to give evidence;

41 (c) Statement of facts supporting the law enforcement agency's belief in the
42 accuracy of the evidence; and

43 (d) Any offer made in exchange for the person agreeing to give evidence.

44 5. The application submitted in subsection 4 of this section shall be a closed record
45 and not subject to disclosure under the provisions of chapter 610. Any information
46 contained in the application, or any other documents, which reveals or could reveal the
47 location or address of the individual or individuals who qualify for services under this
48 section shall be confidential and shall not be disclosed by any entity.

Section B. Because immediate action is necessary to protect the citizens of Missouri
2 from violent crime, section A of this act is deemed necessary for the immediate preservation of

3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

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