

 [HB 1432](#) [Vescovo\(R\)](#)
 [Wieland\(R\)](#)

Requires a hearing to be held within 30 days if a state employee is placed on administrative leave.



Last Action: 5-25-16 G Sent to the Governor

This bill requires that, if an employee of a department or division of the state, agency of the state, or school district is placed on administrative leave, a hearing must be held within 60 days. A hearing that is continued for good cause must not be continued past 180 days from the initial administrative leave date.

The hearing requirement does not apply when a law enforcement agency, or other state or federal agency, has been referred the misconduct of the employee or has initiated its own investigation of the misconduct of the employee, or if the employee is removed from administrative leave within 30 days of placement.

Within seven days of being placed on administrative leave, as defined in the bill, an employee must be given a written explanation of the reason or reasons for the placement. Any written document containing the reason or reasons for the placement is not subject to the open records requirements under Chapter 610, RSMo.

An employer that is a school district must notify the Board of Education within 30 days of placing an employee on administrative leave of the reason or reasons for the placement.


 [HB 1568](#) [Lynch\(R\)](#)
 [Brown\(R\)](#)

Allows physicians to prescribe naloxone to any individual to administer, in good faith, to another individual suffering from an opiate-induced drug overdose.

Last Action: 5-25-16 G Sent to the Governor

This bill allows any licensed pharmacist to sell and dispense naloxone under physician protocol and creates immunity from criminal prosecution, disciplinary actions from a professional licensing board, and civil liability for an individual who, acting in good faith and with reasonable care, administers an opioid antagonist to an individual whom he or she believes is suffering an opioid-related drug overdose.

Any individual or organization may store and dispense an opioid antagonist without being subject to the licensing and permitting requirements in Chapter 338, RSMo, if he or she does not collect a fee or compensation for dispensing the opioid antagonist when the person or organization is acting under a standing order issued by a health care professional who is authorized to prescribe an opioid antagonist.



 [HB 1577](#) [Higdon\(R\)](#)
 [Riddle\(R\)](#)

Establishes a commission on capitol security infrastructure.

Last Action: 5-25-16 G Sent to the Governor

This bill adds the building located at 105 West Capitol Avenue in Jefferson City to the property over which the Board of Public Buildings has general supervision.

This bill further establishes the Joint Committee on Capitol Security, which shall consist of the President Pro Tem of the Senate, and the Speaker of the House of Representatives, or their designated representatives. The President Pro Tem of the Senate shall appoint two Senators, one from each party, and the Speaker of the House of Representatives shall appoint two representatives, one from each party. The responsibilities of the joint committee are specified in the bill. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

 [HB 1649](#) [Haahr\(R\)](#)
 [Parson\(R\)](#)

Provides that a person who removes an unattended child from a locked car shall not be held liable for damages.

Last Action: 5-25-16 G Sent to the Governor

This bill specifies that any individual who forcibly enters a motor vehicle for the purpose of removing a minor from the vehicle is immune from civil liability if specified conditions are met. This provision does not affect the person's civil liability if the person attempts to render aid to the minor.

This bill contains an emergency clause.

[HB 1765](#) [Cornejo\(R\)](#)
 [Dixon\(R\)](#)

Modifies provisions relating to the Revised Criminal Code and parole hearings, and exempts firearms-related property from attachment in bankruptcy proceedings.

Last Action: 5-25-16 G Sent to the Governor

This bill changes the laws regarding the administration of justice.

MISSOURI UNIFORM POWERS OF APPOINTMENT ACT (Sections 404.710, 456.970, 456.975, 456.980, 456.985, 456.990, 456.995, 456.1000, 456.1005, 456.1010, 456.1015, 456.1020, 456.1025, 456.1030, 456.1035, 456.1040, 456.1045, 456.1050, 456.1055, 456.1060, 456.1065, 456.1070, 456.1075, 456.1080, 456.1085, 456.1090, 456.1095, 456.1100, 456.1105, 456.1110, 456.1115, 456.1120, 456.1125, 456.1130, 456.1135, and 456.5-508)

This bill creates the Missouri Uniform Powers of Appointment Act, and unless provided in the terms of an instrument creating a power of appointment the bill must be the law governing powers of appointment.

A power of appointment is a power enabling a person, known as the powerholder, to designate a recipient of an ownership interest in property subject to the power of appointment, known as appointive property. A power of appointment is created when a document or instrument, such as a trust or a will, manifests the donor's intent to create in a powerholder a power of appointment over the appointive property exercisable in favor of a permissible appointee. A donor is defined in the bill as a person who creates the power of appointment, and a permissible appointee is a person in whose favor a powerholder may exercise a power of appointment. A power of appointment cannot be created in an individual who is deceased, but may be created in an unborn or an unascertained powerholder.

A powerholder cannot transfer a power of appointment, and the power to direct the assets lapses upon his or her death. However, a general power of appointment may provide that the power must survive and pass to the powerholder's personal representative, if the powerholder dies after receiving the general power, and the powerholder did exercise, release, or disclaim the power within the applicable time limits. If this happens then the personal representative may either exercise the power in favor of the powerholder's estate if the estate is a permissible appointee, or disclaim the power. The bill sets forth circumstances under which a personal representative may or may not be individually held liable for actions or inactions regarding the power of appointment. The general rule of construction is that a power of appointment is presently exercisable, exclusionary, and general unless the terms of the instrument specify otherwise.

A donor may only revoke or amend a power of appointment if the instrument creating the power is revocable or the donor reserves a power of revocation or amendment in the instrument.

A residuary clause in a powerholder's will or a comparable clause in the powerholder's revocable trust does not manifest an intent to exercise a power of appointment, unless the power is a general power exercisable in favor of the powerholder's estate, there is no gift-in-default clause, and the powerholder did not release the power.

Unless the terms of the instrument indicate otherwise, a blanket-exercise clause extends to a power of appointment acquired after the powerholder executed the instrument containing the blanket-exercise clause. If the powerholder is also the donor of the power

then the blanket-exercise clause only extends to the power if there is not a gift-in-default clause or the gift-in-default clause is ineffective.

A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment. However, a powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or the powerholder's estate may appoint only to those creditors. The powerholder of a nongeneral power may make an appointment in any form in favor of a permissible appointee, create a general power in a permissible appointee, or create a nongeneral power in any person to appoint to permissible appointees of the original nongeneral power.

The bill prohibits an appointment to a deceased appointee, but a powerholder of a nongeneral power may exercise the power in favor of the descendant of a deceased permissible appointee.

If a powerholder of a general power of appointment makes an ineffective appointment then either the gift-in-default clause controls the disposition of the appointed property or if there is no such clause then the property passes to the powerholder if he or she is a permissible appointee. If the powerholder is not a permissible appointee then the property passes to the powerholder's estate if the estate is a permissible appointee. If neither option is available then the property passes under a reversionary interest to the donor.

Likewise, if the powerholder releases or fails to exercise a general power of appointment then the gift-in-default clause controls the disposition of the unappointed property or if one does not exist then such property must pass to the powerholder, the powerholder's estate, or under a reversionary interest to the donor.

When a powerholder makes an appointment to a taker in default of appointment who would have taken the property under a gift-in-default clause if the appointment had not occurred, then the power of appointment is deemed not to have been exercised, and the taker in default takes under the clause.

A powerholder may revoke or amend an exercise of a power of appointment at any time before the exercise becomes effective to transfer property to the appointee. A powerholder may also disclaim all or part of a power of appointment or release a power of appointment in whole or in part. A permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.

A powerholder of a presently exercisable power may contract to make or not to make an appointment if the contract does not confer a benefit on an impermissible appointee. If the power of appointment is not presently exercisable then the powerholder may contract to exercise or not to exercise the power only if the powerholder is also the donor and has reserved the power in a revocable trust.

The remedy for a powerholder's breach of contract to appoint or not to appoint property is damages payable from the appointive property or specific performance of the contract.

If a donor fraudulently transfers appointive property, retaining a power of appointment, then the appointive property may be subject to a claim of the donor/powerholder's creditor under the Uniform Fraudulent Transfer Act. Such appointive property is not subject to a claim of a creditor of the powerholder to the extent the powerholder irrevocably appointed the property in favor of a person other than the powerholder, and if the power is not presently exercisable. Appointive property subject to a general power of appointment created by the powerholder is subject to a claim of a creditor to the same extent as if the powerholder owned the appointive property and the power is presently exercisable. Appointive property subject to a presently exercisable general power of appointment not created by the powerholder is subject to a claim of a creditor of the powerholder to the extent the powerholder's property is insufficient. However, if the appointive property is subject to testamentary or not presently exercisable general power of appointment then the property is not subject to a claim of a creditor of the powerholder.

In situations where the appointive property is subject to a nongeneral power of appointment then the property is exempt from a claim of a creditor of the powerholder, unless there is a fraudulent transfer.

The bill provides that the provisions regarding rights of creditors does not limit the ability of a creditor to reach a beneficial interest as provided in the Missouri Uniform Trust Code.

The bill applies to a power of appointment created before, on, or after the bill's effective date. The bill must apply to judicial proceedings concerning a power of appointment commenced before the effective date of the bill unless the court finds the application of a particular provision would interfere substantially with the conduct of the proceeding or prejudice a right of a party.

The bill also modifies existing law regarding power of attorney by specifying that the authority of an attorney in fact authorized in the power of attorney to disclaim a gift or devise of property to or for the benefit of the principal includes the ability of the attorney in fact to disclaim or release any power of appointment granted to the principal and to disclaim all or part of the principal's interest in appointive property. A power of attorney can also grant an attorney in fact the authority to exercise, revoke or amend the release of, or contract to exercise any power of appointment granted to the principal.

The bill repeals provisions which provide that a creditor may not attach trust property or beneficial interests subject to the power of appointment, obtain a court order forcing judicial sale, compel the exercise of the power, or reach the trust property by any other means.

FIREARMS (Section 513.430)

Exempts firearms, firearm accessories, and ammunition up to \$1,500 from attachment and execution.

ESTATE PLANNING (Sections 404.717, 456.3-304, 456.4B-411, 456.7-706, 469.467, and 473.050)

Currently, if an attorney in fact or his or her successor,

appointed to act as agent pursuant to a written power of attorney, acts in bad faith, fraudulently or dishonestly then the attorney in fact must be liable to the principal or the principal's successors in interest for damages as well as attorney's fees. This bill provides that the attorney in fact must be liable if he or she engages in willful misconduct or fraud or acts with willful disregard for the purposes, terms, or conditions of the power of attorney. For the purposes of the bill "successors in interest" include those who can prove that they have been damaged as a result of the attorney in fact's actions. The bill provides that when a noncharitable irrevocable trust is modified or terminated without a court order pursuant to current law, a beneficiary, who is not a qualified beneficiary, may be represented in such non judicial proceedings by a qualified beneficiary who has substantially identical interests.

Under current law, a court may modify or terminate a noncharitable irrevocable trust which became irrevocable on or after January 1, 2005, upon finding that the interests of nonconsenting beneficiaries will be protected, and terminating or modifying the trust does not affect the material purpose of the trust. This bill provides that a court may modify or terminate all noncharitable irrevocable trusts, which meet such conditions.

The bill also repeals a provision of law regarding the termination and modification of a trust instrument that became irrevocable prior to January 1, 2005.

Currently, a settlor, cotrustee, or a qualified beneficiary may request the court to remove a trustee or the trustee may be removed by the court's own initiative. This bill specifies that a court may also replace the trustee. When a corporation is the trustee being removed the successor trustee must be selected by the court. The bill provides that the Principal and Income Act applies to every trust or decedent's estate existing on or after August 28, 2001, rather than solely to those trusts or decedents' estates existing on August 28, 2001.

Currently, for a letter of administration to be issued an application must be made to the court within one year of the death of the decedent. This bill provides that this time limit rule applies on the issuance of letters of administration except as provided under current law that when a will is presented to the probate court within the proper time limits, then administration may be granted on the will at any time after presentation.

GUARDIANSHIPS (Section 475.125)

This bill adds respite to the list of purposes that the court may make an order for the management of the estate of a protectee.

MISSOURI COMMERCIAL RECEIVERSHIP ACT (Sections 515.500, 515.505, 515.510, 515.515, 515.520, 515.525, 515.530, 515.535, 515.540, 515.540, 515.545, 515.550, 515.555, 515.560, 515.565, 515.570, 515.575, 515.580, 515.585, 515.590, 515.595, 515.600, 515.600, 515.605, 515.610, 515.615, 515.620, 515.625, 515.630, 515.635, 515.640, 515.645, 515.650, 515.655, 515.660, and 515.665)

The bill grants the court authority to appoint a receiver whenever the court deems necessary. A receiver has the duty to keep and

preserve any money deposited with the court, and any property and business or business interests entrusted to the receiver pending any legal or equitable action concerning such money, property, or business interest. The appointment of a receiver may be sought as an independent claim and remedy, and does not need to be in addition to another legal claim. A debtor and all parties to the action must receive seven days' notice of any application for the appointment of a receiver. Notice must also be given to all other parties in interest.

Where a receiver has been appointed in a foreign jurisdiction with respect to the debtor's property and upon the application by the receiver appointed in the foreign jurisdiction or any party to that foreign action, the court must appoint as receiver of the debtor's property located in this state the same person. Following the appointment, the court must give effect to orders or judgments of the court in the foreign jurisdiction affecting the property in this state unless to do so would be manifestly unjust or inequitable.

The order appointing a receiver must describe the property by category, individual items, or both if the receiver is to take charge of less than substantially all of the debtor's property.

The receiver will be deemed a general receiver with authority to take charge over all of the debtor's property unless expressly stated otherwise in the order.

According to the bill, a receiver is either a general receiver or a limited receiver depending on how much possession and control over the debtor's property the court grants the receiver.

Within 10 business days of the appointment of a receiver or the conversion of a limited receiver to a general receiver, the receiver must give notice of the appointment or conversion to all interested parties including the Secretary of State or the state and federal taxing authorities. The bill specifies the content of such notice and states that the notice must be sent by first class mail. Additionally, a general receiver must publish notice of the receivership in a newspaper of general circulation in the county in which estate property is located once a week for three weeks. A debtor must cooperate with all reasonable requests for information by the receiver in order to assist in satisfying the notice requirements.

Any person may serve as a receiver unless the person has been found guilty of a felony, is party to the action, is related to the debtor or is a partner, director, attorney, employee, or creditor of the debtor, has an interest materially adverse to the interests of persons affected by the receivership, or is a sheriff of any county. A receiver must execute a bond with one or more sureties approved by the court and in an amount specified by the court. As of the time of appointment, a receiver has the same powers and priority as a creditor that obtained a judicial lien on all of the debtor's property that is subject to the receivership, but must satisfy real property recording requirements as established in the bill.

The court has exclusive authority over the receiver, and exclusive

possession and control of all real property and all tangible and intangible personal property in which the receiver has been appointed to keep and preserve. The court also has exclusive authority to determine all controversies relating to the collection, preservation, application and distribution of all property, and all claims against the receiver arising out of the exercise of the receiver's performance of duties.

The bill specifies the powers and authority of a receiver which include paying expenses incidental to the preservation and use of estate property, performing all duties associated with operating a business in the ordinary course of operation, intervening in any action in which a claim is asserted against the debtor, seeking advice from the court about a course of action, and obtaining appraisals of estate property. Additional powers may be granted to the receiver by statute, court rule, or by the court.

A receiver may demand that a person turn over any estate property that is within the possession or control of that person. A receiver may seek to compel turnover of estate property, and unless a bona fide dispute over the receiver's right to possession of the estate property exists, failure to relinquish possession of the property is punishable as contempt.

A debtor must make available for inspection by a general receiver all information and data as established by the bill, and must cooperate fully with the receiver in the administration of the estate and discharge of the receiver's duties. After the appointment of a general receiver, the debtor must file with the court and submit to the receiver certain information including a list of all known creditors and a true list of all estate property.

A general receiver must file with the court a monthly report of the receiver's operations and financial affairs, and a limited receiver must file all reports as the court requires.

The order of appointing a general receiver must operate as a stay of certain actions as specified in the bill, but must not operate as a stay of criminal proceedings against the debtor; actions establishing paternity, or actions modifying or enforcing alimony, maintenance or support orders; any act to perfect or to maintain the perfection of an interest in estate property; an action by a governmental unit to enforce its police or regulatory power; the enforcement of a judgment obtained in an action by a governmental unit to enforce its police or regulatory power; the exercise of a right of setoff; or any action pending in another court.

A public utility providing service to estate property must provide 15 days notice, or notice as required by the Public Service Commission for a customer of that class, before altering or discontinuing service to the estate property. Additionally, the court may prohibit the alteration or cessation of utility service if the receiver can furnish adequate assurance of payment for service. Any public utility regulated by the Public Service Commission which does not provide notice or comply with the court's order is subject to the appropriate remedial measures by the Commission. A receiver may bring an action to enforce compliance with these provisions against any utility not regulated by the

Public Service Commission which does not provide notice or comply with the court's order.

A receiver may assume or reject any executory contract or unexpired lease of the debtor upon order of the court following notice and a hearing. Any obligation or liability incurred by a general receiver on account of the receiver's assumption of the executory contract or unexpired lease must be treated as an expense of the receivership, and rejection of a contract or lease is to be treated as a breach of contract or lease occurring immediately prior to the receiver's appointment.

If a receiver is authorized to operate the debtor's business or manage the debtor's property, the receiver may obtain unsecured credit and incur unsecured debt in the ordinary course of business as an administrative expense. The receiver may obtain credit or incur debt other than in the ordinary course of business with the authorization of the court and following notice and a hearing. The bill grants a receiver the right to sue and be sued without leave of court in all circumstances necessary for the receivership. A judgment against a general receiver or the debtor is not a lien on estate property and no executions can be issued on such property.

A receiver and the agents, attorneys, and employees of the receivership have judicial immunity for acts and omissions committed in connection with official duties on behalf of the court and within the scope of the appointment. A person may bring an action against a receiver or the agents, attorneys, and employees of the receivership only after filing an application with the court and the court granting such application after notice and hearing. With the court's approval, the receiver may employ attorneys, accountants, appraisers, auctioneers, or other professionals to assist the receiver. The receiver and any professionals employed must maintain itemized billing records.

Creditors and parties of interest and other persons submitting written claims in the receivership are bound by the acts of the receiver and court orders relating to the receivership regardless of whether the person is a party to the receivership action. The receiver must maintain a master mailing list of all parties and parties in interest that file and serve a notice of appearance in the receivership. All persons on the master list must be given 30 days notice prior to certain hearings and other proceedings specified in the bill.

Certain claims must be in the form as required by the bill, served on the receiver, and filed with the court. The claims administration process must be administered by a general receiver and may be administered by a limited receiver when ordered by the court.

Prior to the entry of an order approving the general receiver's final report, the receiver or any party in interest may file with the court an objection to a claim. A copy of the objection must be mailed to the creditor who has 30 days to file, with the court, suggestions in support of the claim. The bill establishes the order of priority on a pro rata basis for the distribution of

claims not disallowed by the court.

The court must remove or replace the receiver if the receiver fails to preform the duties prescribed under the bill or ordered by the court.

Upon distribution of all property of the estate or completion of the receiver's duties, the receiver must file a motion with the court to be discharged. The receiver's final report and accounting which includes all receipts and disbursements of the estate must be included in the petition for discharge and filed with the court.

LIABILITY MENTAL HEALTH PROFESSIONAL (Section 516.105)

This bill establishes a two-year statute of limitations for actions against a licensed mental health professional for damages for malpractice, negligence, error, or mistake related to health care.

EXONERATION (Section 650.058)

This bill specifies that when a court or board of probation and parole specifies the sole reason for a revocation of a person's probation or parole is the conviction for a crime for which a person is later determined to be innocent, the order must, for purposes of these provisions only, be conclusive evidence that the probation or parole was revoked in connection with the crime for which the person was exonerated.

[HB 1891](#) [Rehder\(R\)](#)
 [Brown\(R\)](#)

Prohibits any public employee from being required to pay dues or other fees to a labor organization.

Last Action: 5-12-16 S Senate failed to override the Governor's veto (Vote: N: 10/Y: 22)



(Vetoed by the Governor)

This bill prohibits any sum from being withheld from the earnings of a public employee for the payment of any portion of dues, agency shop fees, or other fees paid by public employee members of a public labor organization or a public employee who is a nonmember except upon the annual written or electronic authorization of the employee.

A public labor organization is prohibited from using or obtaining any portion of dues, agency shop fees, or any other fees paid by member and nonmember public employees to make political campaign contributions or expenditures unless it obtains a written or electronic authorization from the member or nonmember within the previous 12 months.

This bill further requires public labor organizations to maintain financial records, identical to those required by federal law (29 U.S.C. 431(b)), for no less than 5 years. Each report required under this section must be made available to employees in a searchable electronic format. If a public labor organization fails to make the reports available to an employee, that employee will

have a cause of action against the organization.
The provisions of this bill do not apply to public employee first responders.

 [HB 1936](#) [Wilson\(R\)](#)
 [Dixon\(R\)](#)



Allows sheriffs and deputies to assist in other counties throughout the state.

Last Action: 5-25-16 G Sent to the Governor

This bill establishes that any sheriff, or deputy sheriff sent by a sheriff, responding to a request for assistance in another county is considered an employee of the sending sheriff's office and will be subject to benefits and provisions provided to him or her as an employee of the sending sheriff's office.

This bill also establishes that any funds deposited into prisoner detainee security funds shall be used only to supplement the sheriff's funding received from other county, state, or federal funds. The county commission shall not reduce any sheriff's budget as a result of any funds received within the fund.

Finally, this bill requires a mobile video recording that is recorded in a nonpublic location to be closed, except that any person who is depicted in the recording or whose voice is in the recording, or his or her agent, may obtain a complete, unaltered, and unedited copy of the recording upon written request. Mobile video recordings are closed records, subject to exceptions specified in the bill.

 [HB 2332](#) [Corlew\(R\)](#)
 [Dixon\(R\)](#)

Modifies various provisions of criminal and civil law, and creates the Jackson County armed offender docket and the St. Louis City violent crime safety pilot program.

Last Action: 5-25-16 G Sent to the Governor

FELONY CLASSIFICATIONS (Sections 192.2260, 301.559, 339.100, 400.9-501, 571.020-571.072, 632.520, and Section B)

During the 2014 session, the General Assembly passed a large-scale revision of the Missouri Criminal Code, which included the addition of a class E felony and a modification of the terms of imprisonment for class C, D, and E felonies.

Currently, the maximum term for a class C felony is seven years and the maximum term for a class D felony is four years. Beginning January 1, 2017, when SB 491 (2014) takes effect, the term of imprisonment for a class C felony will be three to 10 years, the maximum term for a class D felony will be seven years, and the maximum term for a class E felony will be four years.

To reflect the change in the authorized terms of imprisonment, this act modifies several crimes once classified as class C felonies to make them class D felonies and crimes once classified as class D felonies have become class E felonies.

ELDER ABUSE REPORTING (Sections 192.2405, 192.2410, 192.2475 and 565.188)

Currently, certain types of people must report to the Department of Health and Senior Services if the person has reasonable cause to suspect that a person 60 years of age or older or an eligible adult has been subject to abuse or neglect. This bill provides that reports only need to be made if the victim is an eligible adult.

The bill further adds emergency medical technicians, firefighters, and first responder to the list of mandated reporters. A provision regarding an investigation of abuse by an in-home services client manager and local area agency on aging training is repealed.

FELONY CLASSIFICATIONS FOR OFFENSES OUTSIDE THE CODE (Section 557.021)

Currently, for offenses outside the criminal code, if the felony is for a maximum term of imprisonment of less than 10 years, it shall be considered a class D felony and if the maximum term is four years, it is a class E felony. This bill provides that to be considered a class D felony, the maximum term must exceed four years but be less than 10 years, and the maximum term to be considered a class E felony shall four years or less.

OFFENSE OF CONSPIRACY (Section 562.014)

This bill modifies the offense of conspiracy by providing that if a person conspires to commit a number of offenses, such person can be found guilty of only one offense of conspiracy if the multiple offenses are the object of the same agreement.

LAW ENFORCEMENT USE OF FORCE (Section 563.046)

Currently, the use of physical force when making an arrest is not justified unless the arrest is lawful or the officer reasonably believes the arrest is lawful. This bill adds a provision stating that the use of force when making an arrest is also not justified unless the amount of force used was objectively reasonable in light of the totality of the facts and circumstances confronting the officer, regardless of the officer's intent or motivation.

Currently, a law enforcement officer may use deadly force when he or she reasonably believes the force is immediately necessary to effect an arrest and reasonably believes the suspect has committed or attempted to commit a felony, is attempting to escape by use of a deadly weapon, or may otherwise endanger life or seriously injure another person.

This bill allows a law enforcement officer to use deadly force when effecting an arrest or preventing an escape from custody if the officer reasonably believes the force is immediately necessary to make the arrest or prevent the escape and reasonably believes the person has committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury, is attempting to escape by use of a deadly weapon or dangerous instrument, or may otherwise pose a threat of serious physical injury to the officer or others unless arrested without delay.

This provision contains an emergency clause.

FIRST DEGREE MURDER (Sections 565.030-565.040)

This bill repeals obsolete provisions stating that certain trials are to proceed in a single stage. Other technical changes were made in this bill to make the provisions align with amendments to the criminal code in SB 491 (2014).

This bill contains an emergency clause for the provisions regarding the penalty for first degree murder.

CRIMINAL NONSUPPORT (Section 568.040)

This bill removes a reference to the issue of good cause from a provision providing that the defendant has the burden of injecting certain issues.

SECOND DEGREE TAMPERING (Section 569.090)

This bill updates an intersectional reference to the stealing statute, which was reconfigured under the 2014 Criminal Code revision.

INTOXICATION-RELATED BOATING AND TRAFFIC OFFENSES (Sections 577.001, 577.010, 577.012, 577.013, 577.014, and 577.037)

This bill provides that a person is an "aggravated boating offender" if he or she has been found guilty of two or more intoxication-related boating offenses committed on separate occasions when at least one of the incidents involved the defendant injuring or killing another person while operating a vessel while intoxicated.

In addition, this bill reinserts county and municipal ordinance violations of driving under the influence of alcohol or drugs into the definition of "intoxication-related traffic offense." Such municipal and county ordinance violations are included in the definition under current law, but not in the Revised Code.

The definition of "persistent offender" was also modified under the bill to include a person who has been found guilty of one intoxication-related traffic offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed. Similar changes were made to the definition of "persistent boating offender."

This bill specifies that habitual offenders of intoxication-related traffic and boating offenses must serve two years in prison before being eligible for probation.

Under the Revised Code, if a chemical test demonstrates a blood alcohol content of less than .08, any criminal charge related to the operating of a vehicle, vessel, or aircraft while intoxicated or with excessive blood alcohol content must be dismissed unless certain other evidence exists. This bill removes the reference to offenses of operating a vehicle, vessel, or aircraft with an excessive blood alcohol content from this provision, so it only applies to operating a vehicle, vessel, or aircraft while intoxicated.

OFFENSE OF LEAVING THE SCENE OF AN ACCIDENT (Section 577.060)


This bill provides that the offense of leaving the scene of an accident is a class E felony if the defendant has previously been found guilty of the same offense.

AGROTERRORISM (Section 578.007)

Currently, certain crimes, including agroterrorism, do not apply to a list of activities, such as bona fide scientific experiments and the killing of garden pests. During the Criminal Code revision, agroterrorism was renumbered. This bill inserts the new statute number for agroterrorism to the statute providing the list of exempt activities.

MARIJUANA POSSESSION (Section 579.015)

Under the marijuana possession provision that takes effect January 1, 2017, the offense of possession of more than 10 grams but less than 36 grams of marijuana or synthetic cannabinoid is a class A misdemeanor. This bill specifies that the offense of possession of more than 10 grams but 35 grams or less of marijuana or synthetic cannabinoid is a class A misdemeanor.

 [SB 572](#)  [Schmitt\(R\)](#)
[Cornejo\(R\)](#)

Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts.

Last Action: 5-25-16 G Sent to the Governor

MINIMUM STANDARDS FOR MUNICIPALITIES IN ST. LOUIS COUNTY - 67.287

Currently, every municipality located within St. Louis County must provide certain municipal and financial services and reports. This act modifies the list of services that municipalities must offer. The annual audit by a certified public accountant of the municipality's finances that includes a report on internal controls to prevent misuse of funds no longer has to be prepared by a qualified financial consultant. Furthermore, a municipality only has to have an accredited police department by 2021 if the municipality has a police department or contracts with another police department for public safety services. Currently, each municipality also must have its construction code reviewed by 2018. However under the act, a municipality is not required to adopt an updated construction code.

This provision is similar to HB 2658 (2016).

NUISANCE ABATEMENT ORDINANCES - 67.398, 67.451

Currently, certain cities and counties may enact an ordinance to provide for the abatement of nuisances, and the ordinance may provide that if the nuisance is not removed or abated then the building commissioner or designated officer may remove or abate the nuisance. This act provides that the ordinance must require that a written

notice be provided to the property owner which describes the condition of the lot, what action will remedy the nuisance, and provides not less than ten days to abate or commence removal of each condition identified in the notice. If the property owner does not occupy the property, then the notice shall be given to any occupant. Any city may recover the costs for enforcing the nuisance abatement ordinance by including the fines in the annual real estate tax bill for the property, rather than issue a special tax bill against the property. Any costs and fines not paid by December 31st of that year will be considered delinquent.

LIABILITY FOR DEBTS OF A MUNICIPALITY - 71.980

This act also specifies that the state is not liable for the debts of a municipality that is financially insolvent.

This provision is identical to SB 956 (2016).

DISINCORPORATION PROCEDURES - 77.700, 77.703, 77.706, 77.709, 77.712, 77.715, 79.490, 80.570, 82.133, 82.136, 82.139, 82.142, 82.145, 82.148

The act establishes disincorporation procedures for third class cities, charter cities, and home rule cities. Upon receiving a petition signed by 25% percent of the voters of the city, the county governing body shall order an election upon the question of disincorporation of the city. The county governing body shall disincorporate the city upon an affirmative vote of a majority of those voting. Whenever the county governing body dissolves a city then the county governing body shall appoint a person to act as trustee for the corporation who shall take an oath and give bond with sufficient security. The trustee shall have certain powers as designated in the act, such as the power to prosecute and defend the corporation in a law suit, collect money due, and sell property.

The act decreased the number of signatures required on a petition to disincorporate a fourth class city or a town or village from 50% to 25% of voters, and further decreases the voter approval percentage for disincorporation from 60% of those voting to a majority.

These provisions are similar to HB 1686 (2016), HCS/HB 1632 (2016), and HB 741 (2015).

MUNICIPAL JUDGES - 479.020

The act prohibits a municipal judge from serving on more than five municipal courts.

This provision is identical to a provision contained in HCS/SS/SCS/SB 663 (2016).

MUNICIPAL COURTS - 479.350, 479.353, 479.359, 479.360, 479.368

The act changes the definition of court costs to include any certified costs, but excludes fines added to the annual real estate tax bill or a special tax bill of a property owner for the cost of nuisance abatement and removal. The definition of minor traffic violation is modified to include traffic ordinance violations for which no points are assessed to a driver's driving record and amended charges for any minor traffic violation and adds a definition for municipal ordinance violations.

The maximum allowable fine for minor traffic violations has been lowered from three hundred dollars to two hundred twenty-five dollars. For municipal ordinance violations committed within a twelve month period beginning with the first violation: the maximum allowable fine is two hundred dollars for the first offense, two hundred seventy-five dollars for the second offense, three hundred fifty dollars for the third offense, and four hundred fifty dollars for the fourth and subsequent offenses. No court costs shall be charged to defendants found to be indigent. Municipal courts are also required to not charge defendants for costs associated with community service alternatives.

Municipal ordinance violations and amended charges for municipal ordinance violations are added to the calculation limiting the percentage of annual general operating revenue that can come from fines and court costs for minor violations and to provisions regarding fines, imprisonment, and court costs in municipal court cases. Municipal ordinance violations are also added to municipal disincorporation provisions if a municipality fails to remit excess annual general operating revenue to the Department of Revenue for the county school fund and the disincorporation threshold has been lowered from sixty percent to a majority of participating voters.

 [SB 588](#) [Dixon\(R\)](#)
 [Barnes\(R\)](#)

Modifies provisions relating to petitions for the expungement of criminal records.

Last Action: 5-25-16 G Sent to the Governor

HCS/SCS/SBs 588, 603, & 942 - Current law requires a \$100 surcharge to be paid for petitions for expungement of criminal records. This act raises the amount of the surcharge to \$250 and provides that the judge may waive the surcharge if the petitioner is indigent.

Under current law, a person may petition the court in which the person was found guilty for the expungement of records relating to a list of specified offenses. A person

may file multiple petitions throughout the state and have multiple offenses expunged, but may only file one petition per circuit court. This act repeals the limitation on the number of petitions per circuit court, allows a person who was arrested but not sentenced to apply for expungement, and allows a person to petition, over the course of a lifetime, for the expungement of records for any number of infractions, no more than two misdemeanor offenses or ordinance violations that carry jail time, and no more than one felony offense. If the violations or offenses were charged at the same time or involve the same course of conduct, the person may include all the related offenses or violations in the same petition and it only counts as a petition for one offense or violation. This act lists certain crimes and ordinance violations that may not be expunged.

Current law requires the petitioner to name as defendants any entity that has records related to the offense the petitioner is seeking to have expunged. This act adds municipal prosecuting attorneys to the list of entities.

Current law requires a person to wait 20 years for a felony and 10 years for a misdemeanor before being eligible to file an expungement petition. This act allows a person to file a petition after three years for the expungement of records relating to a finding of guilt for a misdemeanor, ordinance violation, or infraction, or an arrest for any type of offense or violation. A petition to expunge a finding of guilt for a felony may be filed seven years after completion of the sentence.

This act modifies the information that must be on the petition and repeals a provision of current law requiring the court to dismiss a petition if all the required information is not included.

This act allows the prosecutor to object within 30 days of receipt of the petition, and if the prosecutor does object, the court must hold a hearing within 60 days. If no objection is filed, the court may hold a hearing. This act modifies the list of things the court may consider at the expungement hearing. In addition, this act provides that a rebuttable presumption is created that the expungement is warranted if the petitioner meets the criteria. A victim of the offense, violation, or infraction must have an opportunity to be heard at any expungement hearing under this act and the court may make a determination based solely on the victim's testimony.

Current law allows the court to order expungement if the petitioner meets the listed criteria. This act requires the judge to enter the order if the petitioner meets the criteria. The court must issue an order within six months of the filing of the petition.

Under current law, entities possessing records relating to an expunged offense must destroy the records. This act provides that the entities must close, not destroy, the records and repeals provisions allowing for the blacking out of certain records. Also,

repealed is a provision requiring expunged records to be removed from electronic files maintained by the state.

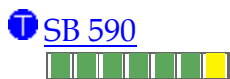
This act expands a provision of current law that requires a person granted an expungement to disclose an expunged offense when completing an application for certain types of licenses, permits and employment. Employers are required to notify applicants of specific disclosure requirements under this act. This act provides that a person who has been granted an expungement to answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if the person has no public record after the granting of the expungement. The person must disclose expunged criminal convictions if the employer is required to exclude applicants with certain criminal convictions due to federal or state law.

The court must dismiss a petition for expungement under current law if the petitioner has not met the statutory criteria. This act provides that the petition must also be dismissed if the petitioner has knowingly provided false information in the petition.

This act requires the court to make a form available for pro se petitioners seeking expungement.

The act has an effective date of January 1, 2018.

This act is similar to SCS/SBs 451, 307, 100, & 165 (2015).

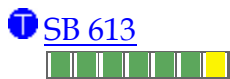


[SB 590](#) [Dixon\(R\)](#)

Modifies provisions related to crime.

Last Action: 5-25-16 G Sent to the Governor

SUMMARY NOT AVAILABLE YET



[SB 613](#) [Cunningham\(R\)](#)
[Brown-57\(R\)](#)

Enacts new provisions of law relating to the workers' compensation insurance premiums of volunteer fire departments.

Last Action: 5-25-16 G Sent to the Governor

WORKERS' COMPENSATION GRANTS--VOLUNTEER FIREFIGHTERS

This act permits volunteer fire protection associations to apply to the State Fire Marshal for grants for the purpose of funding the workers' compensation insurance premiums for the association's volunteer firefighters. Grants shall be disbursed by the Marshal, subject to appropriations, based upon the number of volunteer firefighters which received workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year. The schedule is as follows:

- Associations which had 0-5 claims shall be eligible for \$2,000;
- Associations which had 6-10 claims shall be eligible for \$1,500;
- Associations which had 11-15 claims shall be eligible for \$1,000; and
- Associations which had 16-20 claims shall be eligible for \$500.

This provision is identical to a provision in SB 700 (2016), as amended by the House, and HCS/SS/SB 732 (2016), as amended by the House.

WORKERS' COMPENSATION PREMIUM RATES--SPLIT POINT

Currently, the uniform experience rating plan of workers' compensation insurance must prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed \$1,000, the employer pays all of the medical costs, there is no lost time from the employment (subject to exceptions), and no claim is filed. This act changes the medical cost amount limit to 20% of the current split point of primary and excess losses under the uniform experience rating plan.

The act further provides that, for purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided the employer clearly indicates for which quarter the payroll information is being submitted.

This provision is identical to SB 700 (2016), SB 288 (2015), and HB 1997 (2014).

 [SB 732](#) [Munzlinger\(R\)](#)
 [Rhoads\(R\)](#)

Creates the First Informer
Broadcasters Act.

Last Action: 5-25-16 G Sent to the Governor

DOMESTIC VIOLENCE (SECTIONS 43.545, 455.543, AND 455.545)

Currently, the Missouri State Highway Patrol must include all reported domestic violence incidents for compilation in the "Crime in Missouri". This act removes the reference to "Crime in Missouri" and provides instead that the incidents must be reported for compilation in the annual crime report published by the Department of Public Safety.

This act removes time requirements in current law for the required reporting by law enforcement agencies of domestic-violence related homicides and suicides to the Missouri State Highway Patrol. In addition, this act requires the Highway Patrol to present its annual report on domestic-violence related homicides and suicides to the Governor and General Assembly by March 1 rather than February 1.

These provisions are identical to provisions in SCS/SB 921 (2016) and HB 1930 (2016).

URBAN SEARCH AND RESCUE TASK FORCES (SECTIONS 44.010 AND 44.032)

Under this act, any urban search and rescue task force is eligible to receive funds from the Missouri Disaster Fund for any reasonable and necessary expenditures incurred in the course of responding to any declared emergency.

This provision is identical to a provision in SCS/HB 1606 (2016).

EMERGENCY VOLUNTEER PROGRAM (SECTION 44.023)

Under current law, the State Emergency Management Agency (SEMA) is required to establish an emergency volunteer program where certain authorized professionals may volunteer the use of their services and equipment for up to 3 consecutive days as requested by SEMA. This act modifies that provision to include any individual certified by SEMA and who performs his or her duties under the direction of a licensed architect or engineer. Furthermore, such professionals are only permitted to volunteer for up to 5 consecutive days.

Volunteers are required to assist local jurisdictions and local building inspectors to provide essential demolition, cleanup or other related services and to determine whether structures affected by a disaster:

1. Have not sustained serious damage and may be occupied;
2. Must be restricted in their use pending repairs; or
3. Are unsafe and shall not be occupied pending repair or demolition.

Volunteers under the program are required to be provided workers' compensation insurance by SEMA during their official duties as part of the program.

Furthermore, volunteers certified by SEMA shall be considered to be state employees for purposes of the Emergency Mutual Aid Compact.

Volunteers acting under this provision shall not be personally liable, either jointly or separately for acts committed in their official duties as emergency volunteers, except in the case of willful or gross negligence.

This provision is identical to a provision in SB 700 (2016), as amended by the House and similar to HB 1863 (2016).

POLITICAL ACTIVITY OF FIRST RESPONDERS (SECTION 67.145)

This act inserts a new definition for the term "first responder" as it applies to restricting the political activity of first responders.

INSTALLATION OF FIRE SPRINKLERS (SECTION 67.281)

This act removes the expiration date on the requirement that builders of one and two family dwellings must offer to install fire sprinklers in the home.

SHELTERED WORKSHOPS (SECTION 70.210)

This act adds the board of a county sheltered workshop to the types of political subdivisions that may contract and cooperate with other political subdivisions for a common service.

This provision is identical to SB 871 (2016) and HB 1421 (2016) and substantially similar to SB 869 (2016) and SB 926 (2016).

UNARMED SECURITY GUARDS (SECTION 84.720)

This provision stipulates that any individual who holds an occupational license issued by the Missouri Gaming Commission for the purpose of performing the duties of an unarmed security guard while working on an excursion gambling boat, or at a facility

adjacent to an excursion gambling boat, shall be exempt from certain licensing requirements.

This provision is identical to HB 2362 (2016) and provisions in SCS/HCS/HB 1584 (2016) and SCS/HCS/HB 1964 (2016).

LIBERTY AND NORTH KANSAS CITY SALES TAX FOR PUBLIC SAFETY (Section 94.902)

This act authorizes Liberty and North Kansas City to impose a sales tax of up to .5% solely for the purpose of improving the public safety of the city subject to voter approval. Revenue from this tax may be used for expenditures on equipment, salaries and benefits, and facilities for police, fire, and emergency medical providers.

This provision is identical to HCS/HB 566 (2015) and provisions in HCS/HB 1154 (2015), HCS/SS/SCS/SB 115 (2015), HCS/SB 364 (2015), the perfected version of HCS/HB 268 (2015), and HCS/HB 2116 (2014).

BOARD MEMBERS OF CERTAIN PUBLIC SAFETY DISTRICTS

(SECTIONS 190.055 AND 321.017)

Individual board members of an ambulance district or fire protection district shall not be eligible for employment by the board within twelve months of termination of service as a member of the board unless such employment is on a volunteer basis or without compensation.

These provisions are identical to provisions in HB 1751 (2016).

REGIONAL EMS COMMITTEE (190.102 & 190.103)

Current law provides a list of topics that Regional EMS Advisory Committees are to advise and provide recommendations to the region and Department of Health and Senior Services on. These provisions add community and regional time critical diagnosis plans to the list. In addition, the Regional EMS Medical Director must serve as a member of the Regional EMS Committee.

This act also provides that the Regional EMS Medical Director must serve a four-year term. The southwest, northwest, and Kansas City regional EMS medical directors must be elected to an initial two-year term. The central, east central, and southeast Regional EMS Medical Director must be elected to an initial four-year term.

These provisions are identical to provisions in SCS/HCS/HB 1964 (2016) and HCS/HB 2135 (2016), and substantially similar to provisions in SCS/SB 895 (2016) and HCS/HB 868 (2015).

EMERGENCY TELEPHONE SERVICE 911 BOARD (SECTION 190.335)

Under current law, the counties of Christian, Taney, and St. Francois, if they impose a county sales tax for the central dispatch of emergency services, must appoint the members of a board to oversee the money collected under the tax and the provision of emergency services in the county. In other counties, the board is elected. This act adds Stoddard County to the list of counties that appoint the board.

EMT LICENSURE (SECTION 190.142)

The act further modifies provisions relating to licensure requirements for an EMT. Specifically, it requires any rules or regulations promulgated by the Department of Health and Senior Services relating to initial licensure testing to be through the national registry of EMT's or to be examinations developed and administered by the Department of Health and Senior Services.

TRANSFERS OF CERTAIN PATIENTS (190.144 & 190.240)

This provision provides that no licensed emergency medical technician, if acting in good faith and without gross negligence, is liable for transporting persons ordered detained as a result of drug or alcohol abuse or a mental disorder or for physically or chemically restraining an at-risk behavioral health patient if the restraint is to ensure the safety of the patient or technician.

The provision further requires hospitals and nursing homes to have policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient.

Any physician treating an at-risk behavioral patient in an emergency situation who, after assessing the patient, determines that there is a reasonable cause to believe there is a likelihood that the patient may cause an imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility may place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport, upon initiation by the receiving or sending facility. During the transport, the emergency medical services personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and shall not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on such temporary hold, treatment, or transport of the patient.

These provisions are identical to provisions in HCS/HB 2135 (2016), substantially similar to provisions in SCS/HCS/HB 1964 (2016) and SCS/SB 895 (2016) and similar to HB 1148 (2015) and to provisions contained in HCS/HB 868 (2015).

CAUSE FOR DISCIPLINE FOR LICENSED EMS PROVIDERS (190.165 & 190.173)

Currently, the Department of Health and Senior Services may cause a complaint to be filed with the Administrative Hearing Commission against a holder of certain emergency-service-related certificates, licenses, or permits if the person violates certain specified regulations. This act modifies the list of regulations.

In addition, this act requires the Department to explain to a licensee who is the subject of an investigation that the licensee has the right to legal counsel, have anyone present he or she desires, and refuse to answer any question or provide any written statement. This act specifies that the assertion of any of the above rights is not to be deemed as a failure to cooperate.

Under this act, the Department may impose a suspension or revocation as a disciplinary action only if it first files a complaint with the administrative hearing commission. The commission is not permitted to grant summary judgement if the licensee files an answer contesting the department's complaint.

Under this act, all complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and must only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting with the scope of their statutory authority. No applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress.

This act provides that certain information regarding licensees and final disciplinary actions is not confidential.

These provisions are identical to provisions in SCS/HCS/HB 1964 (2016) and HCS/HB 2135 (2016), and substantially similar to provisions contained in SCS/SB 895 (2016) and HCS/HB 868 (2015).

STROKE CENTER DESIGNATIONS (SECTION 190.241 AND 192.737)

This act provides for an alternative stroke center designation for a hospital. The Department of Health and Senior Services shall designate a hospital, upon receipt of an application, as follows:

(1) a level I stroke center if the hospital has been certified as a comprehensive stroke center by the Joint Commission or another certifying organization;

(2) a level II stroke center if the hospital has been certified as primary stroke center by the Joint Commission or other certifying organization; or

(3) a level III stroke center if the hospital has been certified as a acute stroke-ready hospital by the Joint Commission or other certifying organization.

The Department shall not require compliance with any additional standards for establishing or renewing stroke designations and the designation shall continue as long as the hospital remains certified. The Department may remove a hospital's designation if the hospital so requests or if the Department determines the certification has been suspended or revoked.

Any hospital receiving this alternative designation shall submit annual proof of certification and other contact information, as well as the certification survey results and other specified documents.

Hospitals designated as STEMI or stroke centers shall submit data to the Department for use in the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care. The hospitals shall submit data to the Department as described in the act. The act further delineates restrictions on the manner in which hospitals may collect and analyze data.

Sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the Department of Health and Senior Services is given to the Board of Registration for the Healing Arts.

This act repeals existing language that required the Department to establish and maintain an information registry and reporting system for brain and spinal cord injury data. (Section 192.737)

These provisions are identical to HB 2518 (2016) and substantially similar to provisions in SCS/HCS/HB 1964 (2016) and SB 1060 (2016).

FIRST INFORMER BROADCASTER ACT (SECTION 190.260)

This act requires the Department of Public Safety, in cooperation with any statewide organization representing broadcasters, to establish a program for training and certifying broadcast engineers and technical personnel as first informer broadcasters.

The program must provide training and education concerning the restoration, repair, and resupply of broadcaster facilities and equipment in emergency or disaster areas and the personal safety of first informer broadcasters.

Under this act, state and local governmental agencies must allow first informer broadcasters access to emergency or disaster areas to restore, repair, or resupply critical broadcaster facilities and equipment.

The statewide association involved in establishing the training program must pay the costs of developing and implementing the program.

This provision is identical to a provision in SCS/HB 1606 (2016) and similar to HCS/HB 296 (2015).

HELIPADS (SECTION 190.265)

Any rules or regulations promulgated by the Department of Health and Senior Services, or any interpretation of such rules, shall not require hospitals to have a fence or other barriers around a hospital helipad. Additionally, the Department shall not promulgate any rules and regulations with respect to the operation or construction of a helipad located at a hospital. Finally, hospitals shall ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

This provision is identical to SB 988 (2016). This provision further has an emergency clause attached to it.

MANDATED REPORTERS OF ELDER ABUSE (SECTIONS 192.2400, 192.2405, AND 192.2475)

Under current law, certain individuals are required to report incidents of elder abuse to the Department of Health and Senior Services. This act adds first responders, as defined in the act, to the list of mandated reports. Additionally, this act requires reporters to report incidents of bullying to the Department. "Bullying" is defined as intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property and may consist of physical actions, cyberbullying, oral, written, or electronic communication, or retaliation for reporting such acts.

These provisions are identical to HB 2212 (2016).

MO HEALTNET (SECTIONS 208.1030 AND 208.1032)

An eligible MO HealthNet provider may receive a supplemental reimbursement, in addition to the MO HealthNet reimbursement such provider would otherwise receive

for ground emergency medical transportation services, provided that such reimbursement shall not exceed 100% of actual costs. The act specifies how such supplemental payment shall be calculated and how an eligible provider's claimed expenditures for the ground emergency medical transportation services shall be eligible for federal financial participation. This provision is subject to federal approval, if necessary.

This Department of Social Services is also required to design and implement an intergovernmental transfer program relating to ground emergency medical transport services in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers, managed care plans, and coordinated care organizations, as detailed in the act. Any eligible provider participating in this program shall agree to reimburse the department for any costs associated with implementing the program. This provision is subject to federal approval, as necessary.

This amendment is substantially similar to SB 1072 (2016) and HB 2496 (2016).

WORKERS' COMPENSATION FOR VOLUNTEER FIREFIGHTERS

(SECTION 287.245)

The act permits volunteer fire protection associations to apply to the state fire marshal for grants for the purpose of funding the workers' compensation insurance premiums for the association's volunteer firefighters. Grants shall be disbursed by the marshal, subject to appropriations, based upon the number of volunteer firefighters which received workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year. The schedule is as follows:

- Associations which had 0-5 claims shall be eligible for \$2,000;
- Associations which had 6-10 claims shall be eligible for \$1,500;
- Associations which had 11-15 claims shall be eligible for \$1,000; and
- Associations which had 16-20 claims shall be eligible for \$500.

This provision is identical to provisions in SCS/SB 613 (2016) and SB 700 (2016), as amended by the House.

SAFETY PROCEDURES FOR CERTAIN STATIONARY VEHICLES (SECTION 304.022 AND 307.175)

This act adds stationary vehicles owned by a contractor performing work for the Department of Transportation with amber and white lights to the list requiring specific safety procedures for drivers approaching such stationary vehicles.

This provision is identical to a provision in SS/ HB 1733 (2016).

FIRE PROTECTION DISTRICT DIRECTOR QUALIFICATIONS

(SECTIONS 321.130 AND 321.210)

A person who is qualified to serve as director of a fire protection district must be over the age of 24 and must be a resident and voter in the district for at least one year before election or appointment. Fees for filing nominations and declarations of candidacy shall be equal to the amount paid by a candidate for county office.

This provision is identical to a provision in HCS/ HB 2135 (2016) and substantially similar to HB 1751 (2016).

DUTY TO OBEY FIREFIGHTERS (SECTION 575.145)

Under current law, it is a class A misdemeanor to willfully fail or refuse to obey signals or directions or willfully resist or oppose a law enforcement officer in the proper discharge of his or her duties. This act includes firefighters in that crime.

MOBILE VIDEO RECORDINGS (SECTION 610.100)

Mobile video recordings from a law enforcement vehicle or a device carried by a law enforcement officer that includes a camera and recording capability are considered a closed record until the investigation becomes inactive. A mobile video recording in a nonpublic location may be closed, except that any person depicted in the recording or certain other persons may obtain a complete, unaltered and unedited copy of the recording upon written request.

The act adds legal guardians or parents of a minor as being able to obtain closed investigative or mobile video records in the same way that any person could obtain such records.

Any person may bring an action to authorize disclosure of a mobile video recording and the court may order that all or part of the recording be released to the person. In making its determination on release, the court shall consider factors outlined in the act, including the benefit to the public as opposed to the harm to the public, to the law enforcement agency or its officers, or to any person identified in the recording. The mobile video recording may be examined by the court in its chambers. If disclosure of

either a mobile video recording or an investigative report is authorized, the court may make any order that justice requires and set forth conditions for or limitations on the disclosure as authorized in the act.

The act provides that any person who requests and receives a mobile video recording that was recorded in a nonpublic location is prohibited from displaying or disclosing the recording without first affording any non-law enforcement person whose image or sound is contained in the recording the opportunity to seek a court order enjoining all or some of the display or disclosure. Any person who fails to comply with this provision is subject to damages in a civil action.

These provisions are substantially similar to SB 1061 (2016) and identical to HB 2344 (2016).

CRIME SCENE PHOTOS (SECTION 610.205)

The act further inserts new provisions to the Sunshine Law relating to crime scene photographs and video recordings. Under this provision, certain crime scene photographs or video recordings, including those produced by a state or local agency or by a perpetrator or suspect at a crime scene, shall be considered closed records and not subject to disclosure under the open meetings and records law, commonly known as the sunshine law. The provisions of this amendment shall not prohibit disclosure of the material to the deceased's next of kin or to an individual who has secured a written release from the next of kin.

In closed criminal investigations, a court may order the disclosure of such photographs or video recordings upon findings that the disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased's next of kin. Prior to releasing any crime scene material, the custodian must give the deceased's next of kin at least two weeks' notice, which cannot be shortened by a court. This amendment shall apply to all undisclosed material in the custody of a state or local agency on or after the effective date of the amendment. This amendment shall not apply to disclosure of such material to an attorney representing a defendant in a habeas corpus action or other post-conviction motion. Such an attorney may share the material with the client or any expert or investigator, but shall not further disseminate the material.

The director of the Department of Public Safety must establish rules governing the viewing of the materials by the press.

Services Fund, and public defenders.

Last Action: 5-25-16 G Sent to the Governor

COURT AUTOMATION FUND - 476.055

The act provides that any unexpended balance remaining in the Statewide Court Automation Fund shall be transferred to general revenue on September 1, 2023, rather than September 1, 2018, as provided in current law.

The act also adds the executive director of the Missouri Office of Prosecution Services and the director of the State Public Defender System as members of the Court Automation Committee. The court fee collected for the court automation fund shall expire on September 1, 2023, rather than September 1, 2018, and the Court Automation Committee must complete its duties by September 1, 2025, rather than September 1, 2020.

These provisions are identical to provisions contained in HCS/HB 2367 (2016).

BASIC CIVIL LEGAL SERVICES FUND - 477.650

The act extends the expiration date for provisions regarding funding for the legal representation of low-income persons from December 31, 2018, to December 31, 2025.

PUBLIC DEFENDERS - 600.042, 600.090, & 600.101

Under current law, the director of the State Public Defender System must implement a plan to establish district offices that align with judicial circuit boundaries by December 31, 2018. This act extends the date of implementation to December 31, 2021.

Current law allows the director of the Missouri State Public Defender System to delegate the legal representation of any person to any licensed attorney. This act specifies that the director can delegate the legal representation of people who are eligible for representation by the Public Defender System.

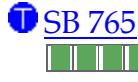


In addition, current law allows unexpended funds of up to \$150,000 to remain in the Legal Defense and Defender Fund at the end of the fiscal year. This act removes the cap, so all unexpended money remains in the fund.

These provisions are identical to provisions of SB 705 (2016) and SCS/SB 91 (2015).

This act repeals a provision requiring the Commission on Judicial Resources to report to certain Senate and House committees regarding office space for public defenders.

This provision is identical to SB 735 (2016) and a provision of SCS/SB 91 (2015).

MEGHAN LUECKE

 SB 765
 Schmitt(R)
 Cornejo(R)

Modifies provisions relating to law enforcement officers and laws governing access to public records.

Last Action: 5-25-16 G Sent to the Governor

FIRST RESPONDERS - 67.145

This act defines "first responder" as any person trained and authorized by law or rule to render emergency medical assistance or treatment. First responders may include emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses, or physicians.

This provision is identical to a provision of SCS/SB 895 (2016).

REGIONAL JAIL DISTRICTS - 221.407

Currently, regional jail districts are authorized to impose a sales tax of up to 1/2% on sales in the district. The authority to impose this tax expires on September 30, 2015. This act extends the authority of the districts to collect the tax until September 30, 2028. This act also allows the Director of Revenue to make refunds instead of allowing the Director of Revenue to authorize the State Treasurer to make refunds.

This provision is similar to SCS/SB 937 (2016), SB 258 (2015), HB 639 (2015), SB 897 (2014) and HB 1923 (2014).

TRAFFIC CITATION QUOTAS - 304.125 & 575.320

This act prohibits a political subdivision or law enforcement agency from having a policy requiring or encouraging an employee to issue a certain number of traffic citations on a quota basis.

Under current law, a public servant commits the Class A misdemeanor of misconduct in administration of justice if he or she orders a St. Louis County employee to issue a

certain number of traffic citations except when the employee is assigned exclusively to traffic control and has no other responsibilities or duties.

This act expands the provision to make it apply to employees of any political subdivision, not just St. Louis County. In addition, the act removes the exception for employees assigned exclusively to traffic control and specifies that a public servant also commits the misdemeanor by ordering an employee to increase the number of tickets the employee is issuing.

MOBILE VIDEO RECORDINGS - 610.100

Mobile video recordings from a law enforcement vehicle or a device carried by a law enforcement officer that includes a camera and recording capability are considered a closed record until the investigation becomes inactive. A mobile video recording in a nonpublic location may be closed, except that any person depicted in the recording or certain other persons may obtain a complete, unaltered and unedited copy of the recording.

The act adds legal guardians or parents of a minor as being able to obtain closed investigative or mobile video records in the same way that any person could obtain such records.

Any person may bring an action to authorize disclosure of a mobile video recording and the court may order that all or part of the recording be released to the person. In making its determination on release, the court shall consider factors outlined in the act, including the benefit to the public as opposed to the harm to the public, to the law enforcement agency or its officers, or to any person identified in the recording. The mobile video recording may be examined by the court in its chambers. If disclosure of either a mobile video recording or an investigative report is authorized, the court may make any order that justice requires and set forth conditions for or limitations on the disclosure as authorized in the act.

The act provides that any person who requests and receives a mobile video recording that was recorded in a nonpublic location is prohibited from displaying or disclosing the recording without first affording any non-law enforcement person whose image or sound is contained in the recording the opportunity to seek a court order enjoining all or some of the display or disclosure. Any person who fails to comply with this provision is subject to damages in a civil action.

violence incidents by law enforcement agencies.

Last Action: 5-25-16 G Sent to the Governor

This act modifies several provisions of law relating to victims of crime, including: (1) the "Teen Dating Violence Awareness Month"; (2) domestic violence incident reporting; (3) higher education memoranda of understanding; (4) compensable mental health services for victims of crime; and (5) victims' rights.

TEEN DATING VIOLENCE AWARENESS MONTH (Section 9.172)

This act designates February as the "Teen Dating Violence Awareness Month" in Missouri.

This provision is identical to HB 2481 (2016).

DOMESTIC VIOLENCE INCIDENT REPORTING (Sections 43.545, 455.543, 455.545)

Currently, the Missouri State Highway Patrol must include all reported domestic violence incidents for compilation in the "Crime in Missouri". This act removes the reference to "Crime in Missouri" and provides instead that the incidents must be reported for compilation in the annual crime report published by the Department of Public Safety.

This act removes time requirements in current law for the required reporting by law enforcement agencies of domestic-violence related homicides and suicides to the Missouri State Highway Patrol. In addition, this act requires the Highway Patrol to present its annual report on domestic-violence related homicides and suicides to the Governor and General Assembly by March 1 rather than February 1.

These provisions are identical to provisions in SB 732 (2016) and HCS/HB 1930 (2016).

HIGHER EDUCATION MEMORANDA OF UNDERSTANDING (Section 173.2050)

This act also requires the governing board of each public institution of higher education in Missouri to engage in discussions with law enforcement agencies and to enter into a memorandum of understanding (MOU) concerning sexual assault, domestic violence, dating violence, and stalking involving students on and off campus.

The MOU shall contain detailed policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving students that comports with the best and current professional practices, and set out the procedural requirements for

the reporting of an offense, protocol for establishing jurisdiction, and criteria for determining when an offense must be reported to law enforcement.

This provision is identical to a provision in HB 1678 (2016), HCS/HB 1930 (2016), and SB 1085 (2016).

COMPENSABLE MENTAL HEALTH SERVICES FOR VICTIMS OF CRIME (Section 595.030)

Under current law, compensation paid for mental health services from the Crime Victims' Compensation Fund may only be paid if the service was provided by certain licensed professionals. This act adds licensed board-certified psychiatric-mental health clinical nurse specialists and nurse practitioners to the list.

This provision is substantially similar to a provision in SCS/HCS/HB 2561 (2016) and HB 1403 (2016).

VICTIMS' RIGHTS (Section 595.209)

Under current law, victims of certain specified crimes automatically have certain enumerated rights. Victims of other types of crimes have the same rights upon written request. This act adds victims of sexual offenses and victims of domestic assault to the list of crime victims who automatically have the enumerated rights.

This provision is substantially similar to a provision in SCS/HCS/HB 2561 (2016) and HB 2133 (2016).