

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 144 & 46
91ST GENERAL ASSEMBLY

0515S.10T

2001

AN ACT

To repeal sections 32.056, 575.230 and 577.020, RSMo, relating to public safety, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 32.056, 575.230 and 577.020, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 32.056, 221.510, 575.230 and 577.020,
3 to read as follows:

32.056. The department of revenue shall not release the home address or any other
2 information contained in the department's motor vehicle or driver registration records regarding
3 any person who is a county, state or federal parole officer or who is a federal pretrial officer **or**
4 **who is a peace officer pursuant to section 590.100, RSMo, or a member of the parole**
5 **officer's, pretrial officer's or peace officer's immediate family** based on a specific request for
6 such information from any person. Any person who is a county, state or federal parole officer
7 or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100,**
8 **RSMo,** may notify the department of such status and the department shall protect the
9 confidentiality of the records on such a person **and his or her immediate family** as required by
10 this section. This section shall not prohibit the department from releasing information on a
11 motor registration list pursuant to section 32.055 **or from releasing information on any officer**
12 **who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier**

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

13 **Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.**

221.510. 1. Every chief law enforcement official, sheriff, jailer, department of
2 corrections official and regional jail district official shall conduct an inquiry of pending
3 outstanding warrants for misdemeanors and felonies through the Missouri Uniform Law
4 Enforcement System (MULES) and the National Crime Information Center (NCIC)
5 System on all prisoners about to be released, whether convicted of a crime or being held
6 on suspicion of charges.

7 2. No prisoner, whether convicted of a crime or being held on suspicion of any
8 charge, shall be released or transferred from a correctional facility or jail to any other
9 facility prior to having a local, state or federal warrant check conducted by a law
10 enforcement official, sheriff or authorized member of a correctional facility or jail.

11 3. If any prisoner warrant check indicates outstanding charges or outstanding
12 warrants from another jurisdiction, it shall be the duty of the official conducting the
13 warrant check to inform the agency that issued the warrant that the correctional facility
14 or jail has such prisoner in custody. That prisoner shall not be released except to the
15 custody of the jurisdictional authority that had issued the warrant, unless the warrant has
16 been satisfied or dismissed, or unless the warrant issuing agency has notified the
17 correctional facility or jail holding the prisoner that the agency does not wish the prisoner
18 to be transferred or the warrant to be pursued.

19 4. If any person has actual knowledge that a violation of this section is occurring
20 or has occurred, such person may report the information to the attorney general of the
21 state of Missouri, who may appoint a sheriff of another county to investigate the report.

22 5. If a law enforcement official, sheriff or authorized member of the correctional
23 facility or jail purposely fails to perform a warrant check with the intent to release a
24 prisoner with outstanding warrants and which results in the release of a prisoner with
25 outstanding warrants, that individual shall be guilty of a class A misdemeanor.

26 6. A law enforcement official, sheriff or authorized member of the correctional
27 facility or jail shall not be deemed to have purposely failed to perform a warrant check
28 with the intent to release a prisoner in violation of this section, if he or she is unable to
29 complete the warrant check because the MULES or NCIC computer systems were not
30 accessible.

575.230. 1. A person commits the crime of aiding escape of a prisoner if [he] the
2 person:

3 (1) Introduces into any place of confinement any deadly weapon or dangerous
4 instrument, or other thing adapted or designed for use in making an escape, with the purpose of
5 facilitating the escape of any prisoner confined therein, or of facilitating the commission of any

6 other crime; or

7 (2) Assists or attempts to assist any prisoner who is being held in custody or confinement
8 for the purpose of effecting the prisoner's escape from custody or confinement.

9 2. Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument
10 into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody
11 or confinement on the basis of a felony charge or conviction is a class [D] B felony. Otherwise,
12 aiding escape of a prisoner is a class A misdemeanor.

577.020. 1. Any person who operates a motor vehicle upon the public highways of this
2 state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to
3 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of
4 determining the alcohol or drug content of the person's blood pursuant to the following
5 circumstances:

6 (1) If the person is arrested for any offense arising out of acts which the arresting officer
7 had reasonable grounds to believe were committed while the person was driving a motor vehicle
8 while in an intoxicated or drugged condition; or

9 (2) If the person is under the age of twenty-one, has been stopped by a law enforcement
10 officer, and the law enforcement officer has reasonable grounds to believe that such person was
11 driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more
12 by weight; or

13 (3) If the person is under the age of twenty-one, has been stopped by a law enforcement
14 officer, and the law enforcement officer has reasonable grounds to believe that such person has
15 committed a violation of the traffic laws of the state, or any political subdivision of the state, and
16 such officer has reasonable grounds to believe, after making such stop, that such person has a
17 blood alcohol content of two-hundredths of one percent or greater; [or]

18 (4) If the person is under the age of twenty-one, has been stopped at a sobriety
19 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that
20 such person has a blood alcohol content of two-hundredths of one percent or greater[.];

21 **(5) If the person, while operating a motor vehicle, has been involved in a motor**
22 **vehicle collision which resulted in a fatality or a readily apparent serious physical injury**
23 **as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance**
24 **of a Uniform Traffic Ticket for the violation of any state law or county or municipal**
25 **ordinance with the exception of equipment violations contained in chapter 306, RSMo, or**
26 **similar provisions contained in county or municipal ordinances; or**

27 **(6) If the person, while operating a motor vehicle, has been involved in a motor**
28 **vehicle collision which resulted in a fatality.**

29 The test shall be administered at the direction of the law enforcement officer whenever the

30 person has been arrested or stopped for any reason.

31 2. The implied consent to submit to the chemical tests listed in subsection 1 of this
32 section shall be limited to not more than two such tests arising from the same arrest, incident or
33 charge.

34 3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid
35 pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to
36 methods approved by the state department of health by licensed medical personnel or by a person
37 possessing a valid permit issued by the state department of health for this purpose.

38 4. The state department of health shall approve satisfactory techniques, devices,
39 equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to
40 577.041 and shall establish standards to ascertain the qualifications and competence of
41 individuals to conduct analyses and to issue permits which shall be subject to termination or
42 revocation by the state department of health.

43 5. The person tested may have a physician, or a qualified technician, chemist, registered
44 nurse, or other qualified person at the choosing and expense of the person to be tested, administer
45 a test in addition to any administered at the direction of a law enforcement officer. The failure
46 or inability to obtain an additional test by a person shall not preclude the admission of evidence
47 relating to the test taken at the direction of a law enforcement officer.

48 6. Upon the request of the person who is tested, full information concerning the test shall
49 be made available to [him] **such person**.

50 7. Any person given a chemical test of the person's breath pursuant to subsection 1 of
51 this section or a field sobriety test may be videotaped during any such test at the direction of the
52 law enforcement officer. Any such video recording made during the chemical test pursuant to
53 this subsection or a field sobriety test shall be admissible as evidence at either any trial of such
54 person for either a violation of any state law or county or municipal ordinance, or any license
55 revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.