

SECOND REGULAR SESSION

HOUSE BILL NO. 1391

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIXON (Sponsor), RUESTMAN, BOUGH, WOOD, SCHNEIDER, LEMBKE, WITTE, WILSON (130), VIEBROCK, SUTHERLAND, YATES, LUETKEMEYER, PARKER, ICET, WRIGHT, MORRIS, ROARK, THRELKELD, MARSH, NIEVES, BRUNS, CORCORAN, DUSENBERG, KELLY (36), KELLY (144), KUESSNER, SANDER, ST. ONGE, SWINGER, BIVINS, STEFANICK AND LIPKE (Co-sponsors).

Read 1st time February 4, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4179L.011

AN ACT

To repeal sections 575.195 and 575.200, RSMo, and to enact in lieu thereof two new sections relating to escape, with penalty provisions.

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

Section A. Section 575.195 and 575.200, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 575.195 and 575.200, to read as follows:

575.195. 1. A person commits the crime of escape from commitment **or detention** if
2 he **or she** has been committed to a state mental hospital [under] **pursuant to** the provisions of
3 sections 202.700 to 202.770 or of sections 552.010 to 552.080, RSMo, **or has been ordered to**
4 **be detained or held in a secure facility pursuant to sections 632.484 or 632.495, RSMo, or**
5 **has been committed to the custody of the director of the department of mental health for**
6 **control, care, and treatment pursuant to section 632.495, RSMo, and he or she escapes from**
7 **such commitment or detention.**

8 2. Escape from commitment **or detention** is a class D felony.

575.200. 1. A person commits the crime of escape from custody or attempted escape
2 from custody if, while being held in custody after arrest for any crime, **or if, while being held**
3 **in custody after the court has directed that such person be taken into custody pursuant to**
4 **section 632.489, RSMo, he or she escapes or attempts to escape from custody.**

5 2. Escape or attempted escape from custody is a class A misdemeanor unless:

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

6 (1) It is effected or attempted by means of a deadly weapon or dangerous instrument or
7 by holding any person as hostage, in which case escape or attempted escape from custody is a
8 class A felony;

9 (2) The person escaping or attempting to escape is under arrest for a felony **or is in**
10 **custody pursuant to the provisions of section 632.489, RSMo**, in which case escape from
11 custody is a class D felony.