

FIRST REGULAR SESSION

HOUSE BILL NO. 275

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROBINSON (Sponsor), RUCKER, HODGES, DONNELLY,
AULL AND STORCH (Co-sponsors).

Read 1st time January 9, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0280L.011

AN ACT

To repeal section 455.080, RSMo, and to enact in lieu thereof one new section relating to law enforcement's written notice to abused party.

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

Section A. Section 455.080, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 455.080, to read as follows:

455.080. 1. Law enforcement agencies may establish procedures to ensure that
2 dispatchers and officers at the scene of an alleged incident of abuse or violation of an order of
3 protection can be informed of any recorded prior incident of abuse involving the abused party
4 and can verify the effective dates and terms of any recorded order of protection.

5 2. The law enforcement agency shall apply the same standard for response to an alleged
6 incident of abuse or a violation of any order of protection as applied to any like offense involving
7 strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower
8 priority to calls involving alleged incidents of abuse or violation of protection orders than is
9 assigned in responding to offenses involving strangers. Existence of any of the following factors
10 shall be interpreted as indicating a need for immediate response:

11 (1) The caller indicates that violence is imminent or in progress; or

12 (2) A protection order is in effect; or

13 (3) The caller indicates that incidents of domestic violence have occurred previously
14 between the parties.

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

15 3. Law enforcement agencies may establish domestic crisis teams or, if the agency has
16 fewer than five officers whose responsibility it is to respond to calls of this nature, individual
17 officers trained in methods of dealing with family and household quarrels. Such teams or
18 individuals may be supplemented by social workers, ministers or other persons trained in
19 counseling or crisis intervention. When an alleged incident of family or household abuse is
20 reported, the agency may dispatch a crisis team or specially trained officer, if available, to the
21 scene of the incident.

22 4. The officer at the scene of an alleged incident of abuse shall [inform the abused party]
23 **give written notice, as provided in subsection 5 of this section, to the abused party** of
24 available judicial remedies for relief from adult abuse and of available shelters for victims of
25 domestic violence.

26 5. **A written notice required by subsection 4 of this section is sufficient if it is in the**
27 **following form and contains the following information:**

28 **(1) It is a crime for any person to cause you any physical injury or harm EVEN IF**
29 **THAT PERSON IS A MEMBER OR FORMER MEMBER OF YOUR FAMILY OR**
30 **HOUSEHOLD;**

31 **(2) Please tell the investigating peace officer:**

32 **(a) If you or your child, or any other household resident has been injured; or**

33 **(b) If you feel you are going to be in danger when the officer leaves or later;**

34 **(3) You have the right to:**

35 **(a) Ask the local prosecutor or circuit attorney to file a criminal complaint against**
36 **the person committing family violence; and**

37 **(b) Apply to a court for an order to protect you (you should consult a legal aid**
38 **office, a prosecuting attorney, or a private attorney). If a family or household member**
39 **assaults you and is arrested, you may request that a magistrate's order for emergency**
40 **protection be issued. Please inform the investigating officer if you want an order for**
41 **emergency protection. You need not be present when the order is issued. You cannot be**
42 **charged a fee by a court in connection with filing, serving, or entering a protective order.**
43 **For example, the court can enter an order that:**

44 **a. The abuser not commit further acts of violence;**

45 **b. The abuser not threaten, harass, or contact you at home;**

46 **c. Directs the abuser to leave your household; and**

47 **d. Establishes temporary custody of the children or any property;**

48 **(4) A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED**
49 **PROTECTION (such as a. and b. above) MAY BE A FELONY;**

50 **(5) CALL THE FOLLOWING VIOLENCE SHELTERS OR SOCIAL**
51 **ORGANIZATIONS IF YOU NEED PROTECTION:**

52 _____.

53 **6.** Law enforcement officials at the scene shall provide or arrange transportation for the
54 abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

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