

FIRST REGULAR SESSION

HOUSE BILL NO. 1297

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time March 30, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0211L.01I

AN ACT

To repeal section 544.157, RSMo, and to enact in lieu thereof one new section relating to peace officer's powers of arrest and fresh pursuit.

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

Section A. Section 544.157, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.157, to read as follows:

544.157. 1. Any [law enforcement] **peace** officer [certified pursuant to] **licensed under** chapter 590, RSMo, of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, any commissioned member of the Missouri state park rangers and any authorized agent of the Missouri state water patrol in fresh pursuit of a person who is reasonably believed by such officer to have committed a **violent** felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any [criminal offense or violation of a municipal or county ordinance,] **violent felony**, or for whom such officer holds a warrant of arrest for a [criminal offense] **violent felony**, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's, state park ranger's or water patrol officer's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. [If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.]

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

16 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall
17 be made as in other cases of arrest under a warrant; [if the violator is served with a uniform
18 traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the
19 offense;] if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge
20 of a court with original criminal jurisdiction in the county wherein such arrest was made or
21 before a municipal judge thereof having original jurisdiction to try such offense, who may release
22 the person as provided in section 544.455, conditioned upon such person's appearance before the
23 court having jurisdiction to try the offense. The person so arrested need not be taken before a
24 judge as herein set out if given a summons by the arresting officer.

25 3. [The term] **As used in this section the following terms shall mean:**

26 (1) "Fresh pursuit", [as used in this section,] shall **only** include [hot or fresh pursuit as
27 defined by the common law and also] the pursuit of a person who has committed a **violent** felony
28 or is reasonably suspected of having committed a **violent** felony in this state, or who has
29 committed or attempted to commit in this state a [criminal offense or violation of municipal or
30 county ordinance] **violent felony** in the presence of the arresting officer referred to in subsection
31 1 of this section or for whom such officer holds a warrant of arrest for a [criminal offense]
32 **violent felony, or the pursuit of a person in connection with the investigation of an Amber**
33 **alert, or in connection with the investigation of any situation which involves a child being**
34 **placed in danger.** It shall include also the pursuit of a person suspected of having committed
35 a supposed **violent** felony in this state, though no **violent** felony has actually been committed,
36 if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant
37 pursuit:

38 (2) **"Violent felony", any felony offense which involves the threat or use of physical**
39 **force.**

40 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe
41 conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum
42 standards:

43 (1) There shall be supervisory control of the pursuit;

44 (2) There shall be procedures for designating the primary pursuit vehicle and for
45 determining the total number of vehicles to be permitted to participate at one time in the pursuit;

46 (3) There shall be procedures for coordinating operation with other jurisdictions; and

47 (4) There shall be guidelines, **which shall comply with the provisions of this section**
48 for determining when the interests of public safety and effective law enforcement justify a
49 vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

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