

FIRST REGULAR SESSION

# HOUSE BILL NO. 770

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

Read 1st time February 7, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1977L.01I

### AN ACT

To repeal section 221.040, RSMo, and to enact in lieu thereof one new section relating to sheriffs and jailers, with a penalty provision.

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

Section A. Section 221.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.040, to read as follows:

221.040. **1.** It shall be the duty of the sheriff and jailer to receive, from constables and other officers, all persons who shall be apprehended by such constable or other officers, for offenses against this state, or who shall be committed to such jail by any competent authority; and if any sheriff or jailer shall refuse to receive any such person or persons, he **or she** shall be adjudged guilty of a misdemeanor, and on conviction shall be fined in the discretion of the court.

**2. The sheriff and jailer shall not be required to receive or detain a prisoner in custody under subsection 1 of this section until the arresting constable or other officer has had the prisoner examined by a physician or competent medical personnel if the prisoner appears to be:**

(1) Unconscious;

(2) Suffering from a serious illness;

(3) Suffering from a serious injury; or

(4) Seriously impaired by alcohol, a controlled substance as defined in section 195.017, RSMo, a drug other than a controlled substance, or a combination of alcohol, a controlled substance, or drugs.

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           **3. The cost of the examination and resulting treatment under subsection 2 of this**  
17 **section is the financial responsibility of the prisoner receiving the examination or**  
18 **treatment.**

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