

COMMITTEE OF ORIGIN: Committee on Crime Prevention and Public Safety

This substitute changes the laws regarding public safety. In its main provisions, the substitute:

(1) Specifies that any non-elected chief law enforcement officer of any political subdivision is subject to removal from office or employment by the appointing authority or political subdivision's governing body if the governing body issues a written notice to the chief whose removal is being sought no fewer than 10 business days prior to the meeting in which the removal will be considered; the chief has been given written notice as to the governing body's intent to remove him or her that includes specified information; the chief is given an opportunity to be heard before the board with any witnesses, evidence, and counsel of his or her choosing; and the board finds, by two-thirds vote, that there is just cause for the removal. Just cause exists when a chief is unable to perform his or her duties with reasonable competence or safety as a result of a mental condition, including alcohol or substance abuse; has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer; has caused a material fact to be misrepresented for any improper or unlawful purpose; acts in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interests of the public of his or her governing body; has been found to have violated any law, statute, or ordinance that constitutes a felony; or has been deemed insubordinate or found to be in violation of a written established policy, unless the claimed insubordination or violation of policy was a violation of any federal or state law or local ordinance. Upon the satisfaction of the removal procedure specified, the chief must be immediately removed from his or her office; must be relieved of all duties and responsibilities; cannot be entitled to any further compensation or benefits not already earned, accrued, or agreed upon; and must be issued a written notice of the grounds for the removal within 14 days of the removal. The substitute also repeals the provisions regarding the tenure, removal, or demotion of an acting chief of police in the City of Kansas City (Sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.830, 85.551, 106.010, 106.270, 106.273, and 590.080, RSMo);

(2) Authorizes the City of Liberty to impose, upon voter approval, a transient guest tax of not more than 6% per occupied room per night to be used solely for the purpose of promoting tourism, cultural activities, business, and economic development and for

constructing related infrastructure and improvements (Section 94.841);

(3) Allows a person to be eligible for certification by the Department of Health and Senior Services as a community paramedic if he or she is currently certified as a paramedic; successfully completes or has successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and completes an application form. A community paramedic must practice in accordance with protocols and supervisory standards established by the medical director and must provide the services of a health care plan if the plan has been developed by the patient's physician, advanced practice registered nurse, or physician assistant and the patient isn't receiving the services from another provider. An ambulance service must enter into a written contract to provide community paramedic services in another ambulance service area, and the contract may be for an indefinite period of time, as long as it includes at least a 60-day cancellation notice by either ambulance service. The substitute specifies that no person can hold himself or herself out as a community paramedic or provide the services of the position unless he or she is certified by the department and the medical director has approved the implementation of the community paramedic program (Sections 190.098 and 190.100);

(4) Modifies the regulations that the department is allowed to establish to implement Sections 190.100 to 190.245 regarding emergency medical services to include the violation of any legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure, refusal of any applicant or licensee to respond to reasonable department requests for necessary information to process an application or to determine license status or eligibility, any conduct or practice that is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public as defined by applicable national standards, and repeated acts of negligence or recklessness in the performance of the functions or duties of any activity licensed or regulated by the specified provisions (Section 190.165.2);

(5) Specifies that if the department conducts an investigation, the department must, prior to interviewing a licensee who is the subject of the investigation, explain that he or she has the right to consult legal counsel or have legal counsel present, have anyone present whom he or she deems necessary or desirable, and refuse to answer any questions or to provide or sign any written statement. The assertion of any of these rights cannot be deemed by the department to be a failure to cooperate with any investigation

(Section 190.165.3);

(6) Specifies that the department will only be authorized to impose a suspension or revocation as a disciplinary action if it first files the requisite complaint with the administrative hearing commission. The commission is not permitted to grant summary judgment in an instance when the licensee files an answer contesting the department's intended licensure action (Section 190.165.4);

(7) Prohibits a health care professional or health care facility from intentionally entering any disclosed information concerning firearm ownership into a patient's medical record if the professional knows that the information is not directly related to the patient's immediate medical care or safety. The substitute specifies that health care professionals or facilities that violate this provision are subject to disciplinary action under the specified provisions concerning licensing, accreditation, or certification of health care professionals and health care facilities by the state (Section 191.238);

(8) Specifies that if an emergency care provider or Good Samaritan sustains an exposure from a person while rendering emergency health care services, the person to whom he or she was exposed is deemed to consent to a test to determine if the person has a communicable disease as specified in the substitute and is deemed to consent to notification of the results of the test to the emergency care provider or Good Samaritan upon submission of an exposure report by the emergency care provider or Good Samaritan to the hospital where the person is delivered. A hospital and a coroner and medical examiner must have written policies and procedures to notify an emergency care provider or Good Samaritan as required by these provisions. If a person tested is diagnosed or confirmed as having a communicable disease, the hospital, coroner, and medical examiner must notify, as specified in the substitute, the emergency care provider, Good Samaritan, or the designated local infection control officer of the emergency care provider who must notify the care provider. The substitute requires all emergency care providers to respond and treat any patient regardless of the status of the patient's HIV or other communicable disease infection. Ambulance services and emergency medical response agencies are to establish and maintain local policies and provide training regarding exposure of personnel to patient blood and body fluids and general protection from communicable diseases. Hospitals, nursing homes, and other medical facilities and practitioners who transfer patients known to have a communicable disease or to be subject to an order of quarantine or isolation must notify the emergency care providers who are providing transportation services of the potential risk of exposure to a communicable disease. The

substitute specifies the regulations that the department must establish, including the type of exposure that would prompt notification of the emergency care provider or Good Samaritan; the process to be used for the required reports, for evaluating requests, and for informing emergency care providers and Good Samaritans as to their confidentiality obligations; and the method by which the providers must be provided information and advice in a timely manner related to the risk of infection from communicable diseases as a result of aid or medical care (Section 191.631);

(9) Specifies that, for workers' compensation purposes, psychological stress may be recognized as an occupational disease for paid peace officers of a paid police department certified under Chapter 590, if a direct causal relationship is established (Section 287.067);

(10) Revises the definition of "killed in the line of duty" as it applies to the Line of Duty Compensation Act to include when any law enforcement officer, emergency medical technician, air ambulance pilot or registered professional nurse, paramedic, or firefighter loses his or her life as a result of an injury received in the active performance of duties, if the death occurs as a natural and probable consequence of the injury or disease caused by the accident or violence of another within 300 weeks from the date the injury was received and if that injury arose from violence of another or accidental cause subject to these provisions but excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot or registered professional nurse, paramedic, or firefighter. For these individuals, the death must be caused as a result of a willful act of violence committed by another person and a relationship exists between the commission of the act and the individual's performance of his or her duties regardless of whether the injury is received while on duty; or the injury is received by an individual while traveling to or from his or her employment or during any break which takes place during the period in which he or she is on duty; or, for a law enforcement officer, the injury is received while attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime regardless of whether the injury is received while on duty (Section 287.243);

(11) Specifies that a person can explode or ignite consumer fireworks within 600 feet of a church if he or she obtains written approval from the church board of trustees of the affected church at least 24 hours in advance so long as the person is not exploding or igniting the fireworks within 600 feet of any other church, hospital, mental health facility, or school or within 100 feet of any location where fireworks are stored, sold, or offered for sale.

Currently, a person cannot explode or ignite fireworks within 600 feet of any church, hospital, mental health facility, or school, or within 100 feet of any location where fireworks are stored, sold, or offered for sale (Section 320.151);

(12) Allows an employee of a fire protection or ambulance district to serve as a board member of a fire protection or ambulance district if the district is not in the same county where he or she is employed. Currently, an employee of a fire protection district or ambulance district is not allowed to serve as a board member of any fire protection or ambulance district while employed by any fire protection or ambulance district unless serving on a voluntary board (Section 321.017);

(13) Changes the filing fee for the election of a member of a fire protection district board of directors to up to the amount of a candidate for state representative. Currently, the filing fee is \$10 (Section 321.210);

(14) Creates the crime of assault of an employee of a mass transit system in the first, second, and third degree and specifies that a person commits the crime in the first degree, a class B felony, if a person attempts to kill or knowingly causes or attempts to cause serious physical injury to a mass transit system employee while in the scope of his or her duties. A person commits the crime in the second degree if a person knowingly causes or attempts to cause physical injury to a mass transit employee while in the scope of his or her duties by means of a deadly weapon or dangerous instrument or by means other than a deadly weapon or dangerous instrument; recklessly causes serious physical injury; operates a motor vehicle while in an intoxicated condition or under the influence of a controlled substance and in so doing acts with criminal negligence to cause physical injury; acts with criminal negligence to cause physical injury by means of a deadly weapon or dangerous instrument; purposely or recklessly places the employee in apprehension of immediate serious physical injury; or acts with criminal negligence to create a substantial risk of death or serious physical injury. Assault of an employee of a mass transit system in the second degree is a class C felony unless committed under specified situations in which it is a class D felony. A person commits the crime in the third degree, a class B misdemeanor, if a person recklessly causes physical injury, purposely places the employee in apprehension of immediate physical injury, or knowingly causes or attempts to cause physical contact without the consent of the mass transit employee (Sections 565.087-565.089);

(15) Prohibits an employee of any school from asking a student less than 18 years of age whether his or her parent or guardian, or

anyone residing with the student, owns a firearm. A person violating this provision will be guilty of an infraction (Section 571.068);

(16) Specifies that the owner of property damaged by an arresting law enforcement agency during the service of process is eligible to file an application for compensation with the Department of Public Safety, unless the damaged property is owned by the offender or an accomplice of an offender (Sections 595.020 and 595.030);

(17) Repeals the expiration date of the exemption from the Open Meetings and Records Law, commonly known as the Sunshine Law, of the disclosure of the operational guidelines, policies, and specific response plans by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding or preventing any critical incident that is terrorist in nature and has the potential to endanger individual or public safety or health. However, the substitute specifies that the financial records related to the procurement of or expenditures relating to the operational guidelines, policies or plans purchased with public funds will be open. When seeking to close information under this exception, the public governmental body must affirmatively state in writing that disclosure would impair the body's ability to protect the security or safety of persons or real property and that the public interest in nondisclosure outweighs the public interest in disclosure of the records. The substitute also repeals the expiration date of the exemption from the law for existing or proposed security systems and structural plans of real property owned or leased by a public governmental body and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for the protection of that infrastructure, the public disclosure of which would threaten public safety. However, nothing in this exception is deemed to include video from cameras outside the Governor's office in the Capitol. The substitute exempts the portion of a record that identifies security systems, access codes, or authorization codes for security systems of real property from the Open Meetings and Records Law (Section 610.021);

(18) Requires specified crime scene photographs and video recordings, including those produced by a state or local agency or by a perpetrator or suspect at a crime scene, to be considered open records for inspection, but closed records for purposes of copying under the Open Meetings and Records Law, commonly known as the Sunshine Law. Unless dissemination is prohibited by federal law, the provisions of the substitute do not prohibit disclosure of the material to specified state or local officials who need access to the photographs and video recordings in order to perform his or her

duties or the deceased's next of kin, as defined in the substitute, or to an individual who has secured a written release from the next of kin. Under specified situations, a circuit court judge may order the disclosure, with or without conditions, of the photographs or video recordings upon a written finding that the disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased's next of kin.

Prior to releasing any crime scene material, the custodian of the material must give the deceased's next of kin at least two weeks' notice, which cannot be disregarded or shortened by a court, unless the release or disclosure of information is to specified state or local officials who need access to the photographs and video recordings in order to perform his or her duties.

These provisions apply to any undisclosed material that is or comes into custody of a state or local agency and cannot apply to the disclosure of crime scene material to any counsel representing a defendant. Unless prohibited by federal law, counsel may disclose the material to his or her client and any expert or investigator assisting counsel, but cannot otherwise disseminate the material except as exhibits in court proceedings (Section 610.205);

(19) Requires the Missouri State Training Center for the D.A.R.E. Program to develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete 40 hours of basic school resource office training that includes specified topics (Section 1);

(20) Prohibits a law enforcement agency or organization representing law enforcement officers who are either members or nonmembers of a law enforcement agency from requiring the payment of any dues or fees as a condition of employment or continued employment (Section 1);

(21) Prohibits a business owner or operator from restricting a person from lawfully possessing a firearm in a motor vehicle in his or her possession, except a motor vehicle that is owned or leased by the owner or operator (Section 1); and

(22) Repeals Sections 192.800, 192.802, 192.804, 192.806, and 192.808, regarding communicable diseases, and Section 84.490, regarding chiefs of police.

The provisions of the substitute regarding the Open Meetings and Records Law in Section 610.021 contain an emergency clause.