

SS SCS HB 1355 -- PUBLIC SAFETY

JOINT COMMITTEE ON DISASTER PREPAREDNESS

This bill creates the "Joint Committee on Disaster Preparedness and Awareness," which is composed of 13 members, specified in the bill, and will include five members of the Senate appointed by either the President Pro Tem or the Minority Floor Leader and five members of the House of Representatives appointed by either the Speaker or the Minority Floor Leader.

The purpose of the committee shall be to make a continuous study and investigation into disaster preparedness and awareness into various areas.

The committee shall compile a full report of its activities for submission to the General Assembly. The report shall be submitted not later than January first of even-numbered years and may include any recommendations which the committee may have for legislative action (Section 21.851, RSMo).

This section will expire on December 31, 2022.

UNIFORM CRIME REPORTING

This bill specifies that any law enforcement agency that does not comply with the section regarding uniform crime reporting after December 31, 2021, may be ineligible to receive certain state or federal funds for law enforcement, safety, or criminal justice purposes (Sections 43.505 and 43.507).

MUTUAL AID AGREEMENTS

The bill specifies that whenever any law enforcement agency enters into a mutual aid agreement with another entity, any law enforcement officer assisting the requesting agency shall have the same powers of arrest as he or she has in his or her own jurisdiction and the same powers of arrest as officers of the requesting agency. Such powers shall be limited to the location of the requested services and to the duration of the specific event.

Any law enforcement officer assisting a requesting agency under a mutual aid agreement shall be deemed an employee of the sending agency and shall be subject to the benefit provisions provided to him or her as an employee of the sending agency. Additionally, any law enforcement officer assisting a requesting agency under a mutual aid agreement shall enjoy the same legal immunities as an officer of the requesting agency (Section 44.091).

MUTUAL AID REGION WITH KANSAS AND OKLAHOMA

The bill provides that all law enforcement officers in the law enforcement mutual aid region, as defined in the bill, shall be permitted in critical incidents to respond to lawful requests for aid in any other jurisdiction in the law enforcement mutual aid region. The on-scene incident commander, as defined by the National Incident Management System, shall have the authority to make a request for assistance in a critical incident and shall be responsible for on-scene management until command authority is transferred to another person.

In the event that an officer makes an arrest or apprehension outside his or her home state, the offender shall be delivered to the first officer who is commissioned in the jurisdiction in which the arrest was made.

If the Director of the Missouri Department of Public Safety determines that the State of Kansas or the State of Oklahoma has enacted legislation or that the Governor of the respective state has issued an executive order or similar action that permits the state's border counties to enter into a similar mutual-aid agreement, then the director shall execute and deliver to persons specified in the bill a written certification of such determination. Upon execution and delivery of such certification, and the parties receiving the certification providing a unanimous written affirmation, the provisions of the agreement shall be effective unless otherwise provided by law (Section 44.098).

SHERIFFS

Currently, no sheriff in this state may appoint any under sheriff or deputy sheriff unless the person is, at the time of appointment, a bona fide resident of this state. This bill changes the residency requirement to be a bona fide resident of this state or of an adjoining state. The provisions of this section shall not apply to Jackson County or the City of St. Louis (Section 57.117).

SHERIFF AND DEPUTY SHERIFFS IN THE CITY OF ST. LOUIS

The office of sheriff of the City of St. Louis shall be considered a law enforcement agency, and the sheriff and sworn deputies of that office shall be considered law enforcement officers and may be eligible for training and licensure by the Peace Officer Standards and Training (POST) Commission (Section 57.450).

KANSAS CITY POLICE OFFICERS

The bill increases the cap for salaries for police officers in the

Kansas City Police Department (Section 84.510).

FIREMEN'S RETIREMENT SYSTEM IN THE CITY OF ST. LOUIS

This bill allows the Firemen's Retirement System of the City of St. Louis to form cooperative agreements with other public retirement systems in the state in order to allow members to transfer creditable service between the retirement systems (Section 87.135).

EMERGENCY SERVICES DISTRICTS

Currently, the law provides that ambulance and fire protection districts are entitled to a reimbursement of between 50% and 100% of the amount of the district's tax increment deposited into the Special Allocation Fund of a tax increment financing district. This bill provides that ambulance and fire protection districts and counties operating a 911 center providing emergency or dispatch services shall annually set such reimbursement rates prior to the time the assessment is paid into the fund. If the redevelopment plan, area, or project is amended, the ambulance or fire protection district or the governing body of a county operating a 911 center providing emergency or dispatch services shall have the right to recalculate the reimbursement rate (Section 99.848).

CERTAIN DEFINITIONS

This bill changes the term "emergency medical technician-intermediate" to "advanced emergency medical technician."

Additionally, the term "first responder" is replaced by "emergency medical responder."

Finally, the definition of "medical control" is modified to include both online and offline medical control (Sections 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.143, 190.196, 190.246, and 191.630).

EMS MEDICAL DIRECTORS

This bill requires the state EMS medical director to be elected by the members of the regional EMS medical director's advisory committee, to serve a four-year term, and to coordinate EMS services between the EMS regions, as well as to promote educational efforts for agency medical directors, represent Missouri EMS nationally, and incorporate the EMS system into Missouri's health care system (Section 190.103).

EMS TRAINING

This bill modifies education, training, and accreditation requirements for emergency medical technicians and paramedics. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review (Sections 190.131 and 190.142).

TREATMENT PROTOCOLS

Emergency medical technicians and paramedics shall only perform medical procedures as directed by treatment protocols approved by the regional medical director or as authorized through direct communication with online medical control.

Emergency medical technician paramedics (EMT-Ps) who have completed certain training, received authorization, and whose ambulance service has adopted certain protocols may make a good faith determination that certain behavioral health patients must be placed in a temporary hold for transport to the nearest appropriate facility. Physical restraint of a patient shall be permitted only to provide for bystander, patient, or emergency personnel safety, as approved by local medical control, or in cooperation with on-scene law enforcement. All incidents involving patient restraint shall be reviewed by the ambulance service physician medical director.

This bill also specifies that the EMT-Ps who have made such determinations shall no longer rely on the common law doctrine of implied consent and are not to be held civilly liable nor be considered to have waived certain specified defenses if employed by a government employer.

Any ambulance services adopting the authority and protocols under this bill shall have a memorandum of understanding with local law enforcement agencies to achieve a collaborative and coordinated response to patients displaying a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs (Sections 190.103 and 190.147).

DISCIPLINARY INVESTIGATIONS

Under current law, licensed EMS providers who are the subjects of disciplinary investigations are instructed that they are not entitled to have holders of certain certificates, permits, or licenses present at an interview. This bill removes this prohibition against holders of certain certificates, permits, or licenses. Additionally, the bill provides that the Administrative Hearing Commission shall hear all relevant evidence on remediation activities of the licensee and shall make a recommendation to the Department of Health and Senior Services as to licensure

disposition based on such evidence (Section 190.165).

EMS RECORDS

This bill provides that any information regarding the physical or mailing address, phone number, fax number, or email address of a licensed ambulance service or certified training entity shall not be considered confidential.

Nothing in this provision shall prohibit the Department of Health and Senior Services from releasing certain aggregate information in accordance with state law (Section 190.173).

EMS PERSONNEL LICENSURE INTERSTATE COMPACT

This bill authorizes Missouri to become a member state of the "Recognition of EMS Personnel Licensure Interstate Compact" and to adopt the provisions of authorization as specified in the bill. The purpose of the compact is to facilitate the exchange of information between member states regarding EMS personnel licensure, adverse actions, and significant investigatory information. The State Advisory Council on Emergency Medical Services shall monitor the implementation of the compact and make recommendations regarding Missouri's participation in the compact.

Applicants for initial licensure as an emergency medical technician submitted after the recognition of the compact shall submit to a background check as provided in the bill.

A home state's license authorizes an individual to practice in a remote state under the privilege to practice if the home state meets certain requirements, as set forth in the bill. In order to exercise the privilege to practice under the terms and provisions of the compact, an individual shall:

- 1) Be at least 18 years of age;
- 2) Possess a current unrestricted license in a member state as an emergency medical technician (EMT), advanced emergency medical technician (AEMT), paramedic, or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and
- 3) Practice under the supervision of a medical director.

If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state until the individual's home state license is restored. Additionally, if an individual's privilege to

practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

The circumstances under which an individual may practice in a remote state in the performance of emergency medical services are set forth in the bill, in conjunction with any rules created by the Interstate Commission for EMS Personnel Practice.

If a member state's governor declares a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), the terms of EMAC shall prevail over the terms or provisions of the compact with respect to any individual practicing in a remote state in response to such declaration.

A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state. A remote state may take adverse action on an individual's privilege to practice within the remote state.

The Interstate Commission for EMS Personnel Practice has powers as set forth in the bill, including the collection of an annual assessment from member states. Missouri shall not authorize an annual assessment greater than \$10,000 or an annual increase equal to the CPI-U. The commission shall meet at least once during each calendar year. The commission may hold closed meetings to discuss matters as specified in the bill.

The commission shall prescribe bylaws and rules to carry out the purposes and exercise the powers of the compact. The powers and duties of the commission are set forth in the bill.

Any member state may withdraw from the compact by enacting a statute repealing the same. A member state's withdrawal does not take effect until six months after enactment of the repealing statute (Sections 190.101, 190.142, and 190.900 to 190.939).

911 BOARDS

Adds any county of the third classification without a township form of government and with more than 37,000 but fewer than 41,000 inhabitants and with a city of the 4th classification with more than 4,500 but fewer than 5,000 inhabitants as the county seat to a section about 911 boards appointed by the county to remain in existence if they are already in existence when the voters approve a sales tax (Section 190.335).

DEPARTMENT OF CORRECTIONS

The bill renames the Missouri Board of Probation and Parole as the "Parole Board." The board shall exercise independence in its decision making but operate cooperatively within the Department of Corrections and with other agencies, officials, courts, and stakeholders to achieve systemic improvement. This bill specifies that the board shall adopt guidelines pertaining to: finite prison capacity for violent offenders, releasing supervision manageable cases, use of finite resources, supporting seamless reentry, setting appropriate conditions of supervision, and developing strategies for responding to violations. In addition, the bill requires the board to collect and publish data on parolees.

The bill creates the "Division of Probation and Parole" as a new division within the Department of Corrections.

This bill specifies that the Division of Probation and Parole will give administrative support to the Parole Board as well as assume supervision over all offenders subject to probation, parole, and supervision, and provide programs necessary to carry out its responsibilities. Additionally, the director of the division will assume the role of appointing probation and parole officers in lieu of the chairman of the Parole Board, and issue warrants for the arrest of persons under the supervision of the division.

The bill requires the Department of Corrections to establish a community behavioral health program; the department will collaborate with the Department of Mental Health to provide comprehensive community-based services for individuals under the supervision of the Department of Corrections who have serious behavioral health conditions. The department will report to the legislature and Governor on the status of the program.

The Department of Corrections must adopt a streamlined, validated risk/need assessment tool in order to evaluate the risk or need of offenders as it pertains to department programs. In addition, the bill modifies the parole review standards and instructs the Parole Board to conduct a risk or need assessment prior to an offender's hearing, and allows the board to waive the hearing if the assessment indicates the offender may be paroled without an interview. However, a hearing shall be held if a victim or prosecuting attorney requests one. Also, special parole conditions shall be responsive to the assessed risk and needs of the offender.

The bill allows for a victim who has requested an opportunity to be heard by the Parole Board to receive notice that the board is conducting a risk assessment of the inmate.

The bill repeals a provision requiring an offender seeking parole to have achieved, or have made an honest good-faith effort to

achieve, a high school diploma or its equivalent.

The bill authorizes community supervision centers to respond to violations and prevent revocations (Sections 217.015, 217.021, 217.030, 217.075, 217.361, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.760, 217.762, 217.777, and 217.810).

HOUSING OF PERSONS ON PROBATION OR PAROLE

The bill specifies that nothing in the section shall be construed to prohibit the housing of persons on probation or parole with offenders or persons being held on criminal charges (Section 221.050).

JUDICIAL CIRCUIT JUDGES

The bill allows the presiding judge of a judicial circuit to, in consultation with the circuit and associate circuit judges, propose expenses to be reimbursable by the state on behalf of one or more of the counties in the circuit (Section 221.105).

RADIOACTIVE WASTE INVESTIGATION FUND

The bill creates the "Radioactive Waste Investigation Fund," to be used by the Department of Natural Resources to investigate concerns of exposure to radioactive waste (Sections 260.391 and 260.558).

HAZARDOUS WASTE FEES

This bill extends the date for collecting certain hazardous waste fees from a period of six years starting August 28, 2012, to six years from August 28, 2018 (Section 292.606).

DRIVERS' LICENSES

This bill specifies that first-time licensees of this state shall receive certain information from the Department of Revenue about law enforcement procedures for traffic stops and drivers' and passengers' rights (Section 302.025).

BOAT TITLE AND REGISTRATION FEES

Currently, the first \$2 million collected annually from boat title and registration fees is deposited into the State General Revenue Fund, with the remainder going to the Water Patrol Division of the State Highway Patrol. Beginning July 1, 2019, this bill changes that requirement to having the first \$1 million collected annually from boat title and registration fees be deposited into the State

General Revenue Fund. All fees collected in excess of that must be deposited into the Water Patrol Division Fund to be used exclusively for the Water Patrol Division of the State Highway Patrol (Section 306.030).

MOTORBOAT REGULATIONS

This bill exempts certain vessels propelled by outboard jet motors and operating on non-impounded waterways from the passenger seating and guard and rail provisions of Section 306.126 (Section 306.126).

FUEL REQUIREMENTS

The Director of the Department of Agriculture may waive specific requirements in the section or may establish temporary alternative requirements for fuels as determined to be necessary in the event of an extreme and unusual fuel supply circumstance as a result of a petroleum pipeline or refinery equipment failure, among other things (Section 414.032).

ELECTRONIC MONITORING

The bill provides that a court may place a person on electronic monitoring with victim notification if the person is charged with, or has been found guilty of, violating an order of protection. Electronic monitoring with victim notification is defined as a monitoring system that can monitor the movement of a person and immediately transmit the person's location to the victim and local law enforcement when the person enters a certain area.

The court may only place a person on electronic monitoring with victim notification if the protected person has provided his or her informed consent. The phrase "informed consent" is defined in the bill.

The person being monitored must pay the costs associated with the monitoring unless he or she is determined by the court to be indigent. If determined to be indigent, the court clerk must notify the Department of Corrections and send a bill for the monitoring costs to the department. The department must establish a procedure to determine the portion of costs the indigent person is able to pay and must seek reimbursement of such costs.

An electronic alert is probable cause to arrest the monitored person for a violation of a protective order.

The Department of Corrections, Department of Public Safety, State Highway Patrol, circuit courts, and local law enforcement agencies are required to share information obtained via the electronic

monitoring.

Immunity to liability is granted to suppliers of the electronic monitoring system for certain injuries associated with the use of the system (Section 455.095).

These provisions expire on August 28, 2024.

DOMESTIC VIOLENCE FATALITY REVIEW PANEL

This bill creates a process for establishing and operating domestic violence fatality review panels after instances of homicide which have been determined to be related to domestic violence. These panels are organized by the prosecuting or circuit attorney of the jurisdiction in which the homicide occurred, and consist of members described in the bill.

It is the duty of the panel to investigate homicides related to domestic violence and issue a public report. The work product of the panel, other than the public report to be issued, is not public record and is not admissible in judicial or administrative proceedings (Section 455.560).

PEACE OFFICERS IN ST. LOUIS

This section repeals language prohibiting sheriffs, county marshals, and other officers in St. Louis County and St. Louis City from charging for their services rendered in cases disposed of by a violations bureau (Section 488.5320).

FEDERAL SEIZURES

Changes the reporting date for federal seizures from January 31 to February 15. Repeals language for what is currently required to be in the report and replaces it with a requirement that the report consist of a federal reporting form. Also repeals language regarding the penalty, which is currently an A misdemeanor and a fine of up to \$1000, and replaces it with a penalty that would deny an agency failing to comply with the requirements of the section from receiving certain state or federal funds (Section 513.653).

PRIVATE PROBATION SERVICES

This bill requires entities providing private probation services for misdemeanor offenses to utilize the cutoff concentrations utilized by the Department of Corrections with regard to drug and alcohol screening for clients assigned to such entity. If drug presence is at or above the cutoff concentration, the drug test is positive, and, if the drug presence is below the cutoff

concentration, the drug test is negative. Additionally, the entity providing the probation services shall not require clients assigned to the entity to travel in excess of 50 miles in order to attend their regular probation meetings (Section 559.600).

SEXUAL OFFENDERS

Convicted sexual offenders are not permitted to live within 1000 feet of a former victim's residence or a school or child care facility, and this bill clarifies that a school or child care facility includes all the facilities and grounds thereof, measuring from the property line of the school or child care facility. If the offender has already established a residence prior to the building of a school or child care facility or a former victim moving within 1000 feet of the offender, the offender shall, within one week of the change, notify the county sheriff where the school, child care facility, or former victim's residence is located and shall provide verifiable proof that he or she resided there prior to the change (Section 566.147).

RETIRED PEACE OFFICERS

This bill establishes that any law enforcement agency in the state may supplement its workforce as necessary with qualified retired peace officers when a disaster or emergency has been declared by the Governor or when there is a national emergency, and those officers shall serve as volunteers. Retirees assisting law enforcement agencies under these circumstances shall be in compliance with the annual firearms training and qualification standards, established by the Department of Public Safety, for retired law enforcement officers carrying concealed firearms.

Any compensation awarded to retirees for service under this bill shall be paid by the law enforcement agency the retired officer is assisting (Section 590.210).

PEER SUPPORT SPECIALISTS

Prohibits peer support specialists from disclosing any confidential communication properly entrusted to the counselor by the law enforcement and emergency personnel while receiving counseling (Section 590.1040).

CRIME VICTIMS' COMPENSATION

Currently, if a victim of an offense submits a claim for compensation and the claim is rejected for lack of substantial proof, the victim has 30 days to amend his or her claim before the claim will be dismissed with prejudice. Additionally, no victim of

an offense may recover if the victim has been found guilty of two felonies within the last 10 years if one or both involved illegal drugs or violence. This bill repeals those provisions.

Currently, if a victim of an offense is from outside of Missouri, the victim is not eligible for compensation unless federal funds for compensation exist. This bill repeals that provision.

Currently, compensation for medical services may not exceed \$2,500 and compensation for out-of-pocket loss as a result of property seized by a law enforcement investigation may not exceed \$250.

This bill repeals that provision. Additionally, this bill modifies the scope of "personal injury" to include emotional or mental harm.

Currently, no case may be awarded compensation if police records show a report was not issued within 48 hours. This bill repeals that provision and allows victims of domestic violence, sexual offenses, and stalking to provide sworn statements in lieu of official records.

Currently, the Department of Revenue is not liable to make payments of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the offense. This bill repeals that provision.

The bill modifies the requirements of law enforcement agencies as it pertains to the acquisition and storage of forensic examination evidence. This includes creating an electronic tracking system that anyone eligible to handle the kit to track its status. The system will also allow the victims or their designees to access the system in order to track its status (Sections 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220).

EXPUNGEMENT OF CERTAIN RECORDS

This bill allows individuals found guilty of the offense of unlawful use of a weapon because they were carrying a concealed weapon prior to January 1, 2017, to apply for an order to expunge records relating to such offense (Section 610.140).

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

This bill specifies that it shall not be a HIPAA violation to release law enforcement agency records if the release would enable the provision of health care to a person in contact with law enforcement (Section 610.210).

MISSOURI LAW ENFORCEMENT ASSISTANCE PROGRAM

This bill creates the "Missouri Law Enforcement Assistance Program" within the Department of Public Safety and specifies that the purpose of the program is to provide state financial and technical assistance to create or improve local law enforcement pilot programs, and it specifies what those may include (Section 650.035).