

HB 1342 -- FAILURE TO EXECUTE A WARRANT

SPONSOR: Roberts (161)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime Prevention and Public Safety by a vote of 5 to 1. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 6 to 0.

This bill specifies that it is an affirmative defense to prosecution of the offense of failure to execute a warrant if the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under Chapters 301, 302, 304, or 307, RSMo, with the exception of certain offenses, specified in the bill.

This bill is similar to HB 900 (2019).

PROPONENTS: Supporters say that some departments are very rigid about their interpretation of the current statute so officers are required to make an arrest any time they have a warrant, and they are not given any discretion. The bill also does not give any discretion, but it does provide officers with an affirmative defense if they did something reasonable under the circumstances.

Testifying for the bill were Representative Roberts; St. Louis County Police Association; Martin Garcia, St. Louis Police Officers Association; and Dale Schmidt, Missouri Peace Officers Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they do not want to be pitting officers against judges, but they do have concerns that the bill provides an affirmative defense because it gives discretion to the judge to decide whether it was appropriate under the circumstances. Some terms in the bill were left undefined, but the concept is good.

Testifying on the bill was Kevin Merritt, Missouri Sheriffs' Association.