

# HOUSE BILL NO. 426

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PROUDIE.

0441H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to public nuisance, with penalty provisions.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.449, to read as follows:

**67.449. 1. As used in this section, the following terms mean:**

(1) "Abuse", as defined in section 455.010;

(2) "Emergency", a sudden or unforeseen situation in which property or human life is in jeopardy that requires immediate action and the prompt summoning of aid;

(3) "Penalize" includes, but is not limited to, the actual or threatened revocation, suspension, or nonrenewal of a rental license; the actual or threatened assessment of fines; or the actual or threatened eviction or causing the actual or threatened eviction from leased premises;

(4) "Premises", any parcel of property, whether residential or commercial; a building or structure, if any, situated on the property; and any portion of the public way that abuts the property if the public way is used in conjunction with the abutting property for the commission of illegal activity;

(5) "Public nuisance", a continuing act or physical condition that is made, permitted, allowed, or continued by any person or legal entity, a person's or legal entity's agent or servant, or any person or legal entity who aids therein and that is detrimental to the safety, welfare, or convenience of the inhabitants of a political subdivision, or any act or condition so designated by statute or ordinance;

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.

18           **(6) "Victim of a crime", a person who suffers personal physical injury or death as**  
19 **a direct result of a crime.**

20           **2. Requests to law enforcement or emergency services for assistance shall not be**  
21 **considered a public nuisance.**

22           **3. (1) No political subdivision shall penalize a resident, tenant, or landlord for a**  
23 **request to law enforcement or emergency services by or on behalf of a victim of abuse, a**  
24 **victim of a crime, or an individual in an emergency if the contact was made with the**  
25 **reasonable belief that intervention or emergency assistance was necessary to prevent the**  
26 **perpetration or escalation of, or to respond to, such abuse, crime, or emergency or if the**  
27 **intervention or emergency assistance was actually needed in response to such abuse, crime,**  
28 **or emergency.**

29           **(2) If a political subdivision enforces or attempts to enforce an ordinance against**  
30 **a resident, tenant, or landlord in violation of subdivision (1) of this subsection, the resident,**  
31 **tenant, or landlord may bring a civil action for a violation of this section and seek an order**  
32 **from a court of competent jurisdiction for any of the following remedies:**

33           **(a) An order requiring the political subdivision to cease and desist the unlawful**  
34 **practice;**

35           **(b) Payment of compensatory damages, provided that a resident, tenant, or**  
36 **landlord shall make a reasonable effort to mitigate any damages;**

37           **(c) Payment of reasonable attorney's fees;**

38           **(d) Payment of court costs; and**

39           **(e) Other equitable relief including, but not limited to, reinstating a rental license**  
40 **or rental permit, as the court may deem appropriate.**

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