

CCS#2 HCS SS#2 SB 26 -- PUBLIC SAFETY

CORRECTIONS (Sections 56.380, 56.455, 105.950; 149.071, 149.076, 214.392, 217.010, 217.030, 217.243, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.206, 589.042, 650.055, and 650.058, RSMo)

This bill updates statute by replacing the "Department of Corrections and Human Resources" with "Department of Corrections" and the "Board of Probation and Parole" with the "Division of Probation and Parole" or "Parole Board".

This bill also adds that the chairperson of the parole board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This bill repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

This bill authorizes sentence review for any person who was under 18 years of age at the time of the commission of the offense and has been sentenced to a term of imprisonment for 15 or more years, or multiple terms that, when taken together, amount to 15 or more years. This provision does not apply to those found guilty of murder in the first degree or capital murder who were under 18 years of age at the time of the offense or offenses and who may be ineligible for parole or whose parole eligibility is controlled elsewhere in statute.

Currently, a person who is serving a term of imprisonment receives credit toward his or her service of a sentence for all the person's time in prison, jail, or custody after the offense occurred. This bill changes that to after conviction. Additionally, the court may, when pronouncing a sentence, award credit for time spent in prison, jail or custody after the offense occurred and before conviction. These changes apply to offenses occurring on or after August 28, 2021.

LOCAL LAW ENFORCEMENT BUDGETS (Section 67.030)

Currently, the governing body of each political subdivision may revise, alter, increase, or decrease items in a proposed budget. This bill provides that any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision

decreases the budget for its law enforcement agency by an amount exceeding more than 12% relative to the proposed budgets of other departments of the political subdivision over a five-year aggregate amount.

#### REGULATION OF CERTAIN STRUCTURES (Section 67.301)

This bill prohibits any city, county, town, village, or political subdivision from adopting or enforcing an ordinance, order, or regulation that requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by the city, county, town, village, or political subdivision. Additionally, political subdivisions cannot adopt an ordinance or order that imposes installation requirements for such fences or alarm systems or prohibits the use of a battery-charged fence.

As used in the bill, a battery-charged fence is a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal to summon law enforcement in response to a burglary. The fence must be located on a property not designated for residential use and produce not more than 12 volts of direct current, as well as meet other specifications as provided in the bill.

#### SECURITY MEASURES ON PRIVATE PROPERTY (Section 67.494)

This bill provides that the General Assembly occupies and preempts the entire field of legislation regarding in any way the regulation of physical security measures around private property to the complete exclusion of any order, ordinance, policy, or regulation by any village; town; city, including any home rule city; or county in this state. Any existing or future order, ordinance, policy, or regulation in this field is or shall be null and void.

The bill does not prohibit municipalities and counties from regulating the aesthetics of physical security measures; access to the public right-of-way, a sidewalk, or utility easement; the structural soundness of physical security measures; or changes to the drainage of a property.

#### POLICE COMMISSIONERS (Section 84.400)

This bill provides that a member of the Kansas City board of police commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

EMERGENCY SERVICES (Sections 190.307 and 650.335)

This bill specifies that nothing in Section 190.307 will be deemed to abrogate any immunity that would exist in the absence of the section, including, but not limited to, sovereign immunity, official immunity, or the public duty doctrine.

The bill specifies that if a county has an elected emergency services board, the board will be eligible for certain loan funds or other financial assistance.

PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101)

The bill modifies provisions relating to pesticide certification and training.

This bill repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator. The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified noncommercial applicator in which case the certified noncommercial applicator shall be liable for any use of a restricted use

pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional applicator.

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the bill.

The University of Missouri extension may collect reasonable fees for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority decision of a review committee convened every five years by the Director. The committee shall be composed of members as specified in the bill.

A certified private applicator holding a valid license may renew their license for five years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

No certified public operator shall knowingly authorize, direct, or

instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified public operator in which case the certified public operator shall be liable for any use of a restricted used pesticide by an individual operating under the certified public operator's direct supervision.

Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the bill and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the bill, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license. Each mobile salesperson possessing restricted use pesticides for distribution or sale shall be licensed as a pesticide dealer.

The bill requires each applicant for a pesticide dealer's license to pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the bill.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The bill repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent.

The bill prohibits any person to use or supervise the use of pesticides that are canceled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

#### FLASHING LIGHTS ON MOTOR VEHICLES (Sections 304.022 and 307.175)

This bill adds vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the County's Medical Examiner's Office, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of those professionals have been requested by a law enforcement officer, to the list of vehicles authorized to use or display fixed, flashing, or rotating red or red and blue lights.

#### CERTAIN CRIMINAL OFFENDERS (Sections 311.060, 311.660, and 313.220)

This bill provides that the Supervisor of Liquor Control shall not prohibit a person from participating in the sale of alcohol solely on the basis of being found guilty of a felony offense, subject to certain exceptions. The bill also repeals language requiring an employer that has a liquor license to report to the Division of Liquor Control within the Department of Public Safety, the identity of any employee that has been convicted of a felony.

The bill specifies that the Missouri Gaming Commission will not prohibit a person from participating in the sale of lottery tickets solely on the basis of being found guilty of a criminal offense, but the person is not eligible to be a licensed lottery game retailer.

#### EXCURSION GAMBLING BOATS (Section 313.800, 313.805, and 313.812)

This bill modifies requirements that gaming facilities must be located on a boat, ferry, or other floating facility to allow a casino to be on a nonfloating facility within 1,000 feet of the Missouri or Mississippi River, as defined in the bill.

#### ACCESS TO PRIVATE PROPERTY (Section 542.525)

This bill prohibits any employee of a state agency or political subdivision of the state from placing a surveillance camera or game camera on private property without the consent of the landowner or landowner's designee, a search warrant, or permission from the highest ranking law enforcement chief or officer of the agency. If placed with the permission of the highest ranking officer, the camera must be facing a location that is open to public access or use and the camera is within 100 feet of the intended surveillance location.

#### OFFENSES INELIGIBLE FOR PROBATION (Section 557.045)

This bill adds to the offenses ineligible for probation any dangerous felony where the victim is a law enforcement officer, firefighter, or an emergency service provider, while in the performance of his or her duties.

#### SPECIAL VICTIMS (Section 565.058)

This bill provides that any special victim, as defined by law, shall not be required to reveal any current address or place of residence except to the court when in a judge's private chambers for the purpose of determining jurisdiction and venue. Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if the petition alleges that he or she would be endangered by such disclosure.

#### SEXUAL CONDUCT IN THE COURSE OF PUBLIC DUTY (Section 566.145)

The bill provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner who is in the custody of such officer shall be guilty of a class E felony. A person also commits the offense if the person is a probation and parole officer or a police officer or an employee of or a person assigned to work in a jail, prison, or correctional facility and the person has sexual conduct on duty and the offense is committed by means of coercion.

#### PROTECTION OF HEALTH CARE WORKERS (Sections 574.203 and 574.204)

This bill creates the offense of interference with a health care facility and the offense of interference with an ambulance service. A person commits the offense of interference with a health care facility if the person acts alone or with someone else to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly commits any of the acts specified in the bill. A person commits the offense of interference with an ambulance service if the person acts alone or

with someone else to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by committing any of the acts specified in the bill. The offense of interfering with a health care facility or an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for a second or subsequent offense.

#### VANDALISM (Section 574.085)

Currently, a person commits the offense of institutional vandalism if he or she knowingly vandalizes certain structures. This bill provides that a person shall be guilty of a class E felony if he or she knowing vandalizes any public monument or structure on public property.

#### RAP BACK PROGRAM (Section 590.030)

This bill provides that, in addition to current requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program. Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. The bill also specifies that all law enforcement agencies must enroll in the state and federal Rap Back programs on or before January 1, 2022, and must remain enrolled. The agencies must take all necessary steps to maintain officer enrollment in the programs.

#### 988 PUBLIC SAFETY FUND (Section 590.192)

This bill creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

#### LAW ENFORCEMENT OFFICER DISCIPLINARY ACTIONS (Section 590.502)

The bill specifies certain rights a law enforcement officer has when he or she is the subject of an administrative investigation or is being questioned or interviewed. These rights include being informed of the violation, requiring the complaint to be supported



by a sworn affidavit, and allowing the officer to have an attorney or any duly authorized representative.

The bill provides that any law enforcement officer who is suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss is entitled to a full due process hearing. The hearing requirements are specified in the bill.

The bill defines a "law enforcement officer" as any commissioned peace officer, except the highest ranking officer in the law enforcement agency, who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or by the Board of Police Commissioners, who possesses the power to arrest for violations of the criminal code.

#### USE OF FORCE TRANSPARENCY (Section 590.1265)

This bill establishes the "Police Use of Force Transparency Act of 2021", which provides that all law enforcement agencies must, at least annually, collect and report local data to the National Use of Force Data Collection through the Law Enforcement Enterprise portal administered by the Federal Bureau of Investigation on use-of-force incidents involving peace officers. Law enforcement agencies must also report such data to the Department of Public Safety. Information collected and reported must not include personally identifying information of individual officers. By June 30, 2022, the Department must develop standards and procedures governing the collecting and reporting of the data. The Department must publish the data reported by law enforcement agencies, and the data will be considered a public record, consistent with state law. The Department must analyze trends and disparities in the data and report the findings and make the report available to the public no later than January 1, 2025.

The provisions of this portion of the bill have a delayed effective date of January 1, 2022.

#### EXPUNGEMENT (Section 610.140)

This bill specifies that, for the purpose of a specific U.S. Code, an order of expungement granted under this section will be considered a complete removal of all effects of the expunged conviction.