

SS SCS SBs 189, 36 & 37 -- PUBLIC SAFETY
(Vetoed by Governor)

This bill modifies provisions regarding public safety.

TELECOMMUNICATOR FIRST RESPONDERS (Sections 67.145, 70.631, 170.310, 190.091, 650.320, 650.330, and 650.340)

The bill adds "telecommunicator first responders" to the definition of "first responder" and creates a definition for a "Missouri state highway patrol telecommunicator".

This bill provides that the Department of Health and Senior Services shall offer a voluntary vaccination program to certain Missouri State Highway Patrol telecommunicators who respond to bioterrorism events and may be exposed to infectious diseases.

RESIDENCY REQUIREMENTS (Sections 84.344 and 285.040)

Currently, commissioned and civilian personnel of the St. Louis Police Department or any public safety employee of the City of St. Louis hired prior to September 1, 2023, cannot be subject to a residency requirement more restrictive than being required to maintain a primary residence within a one-hour response time, and such personnel hired after August 31, 2023, may be subject to a residency requirement no more restrictive than being required to maintain a primary residence within the city for a total of seven years, and then they can move out of the city but must maintain a primary residence within a one-hour response time.

This bill repeals the provision related to hire date and limits residency requirements for any commissioned or civilian personnel of the St. Louis police department or any employee of the City of St. Louis to being no more restrictive than maintaining a primary residence within a one-hour response time.

COMPENSATION FOR PEACE OFFICERS (Sections 84.480 & 84.510)

Currently, the Kansas City Chief of Police shall not be more than 60 years old when appointed and must be paid no less than \$80,211.00 and no more than \$189,726.00.

This bill repeals the age limit and salary cap and allows the Board of Police Commissioners to establish a maximum salary by resolution.

Additionally, this bill repeals provisions relating to a mandatory salary cap for Kansas City police officers as specified in the bill.

SERVICES FOR FIRST RESPONDERS (Sections 190.1010, 287.067, 287.245, 320.400, and 590.192)

This bill mandates that communication made by a first responder or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, be confidential and not disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a counseling session made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor or staff of a peer support counseling program is confidential, with exceptions as specified in the bill.

An employer of a first responder that establishes a peer support counseling program must develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the counseling program by sharing information learned in a counseling session with personnel who are not supervisors or staff of the peer support counseling program, with exceptions as specified in the bill.

This bill specifies that no employer may mandate that any employee participate in a peer support counseling program.

The bill changes voluntary firefighter cancer benefits pools to voluntary critical illness benefits pools and allows other first responders, specifically emergency medical technician-basic, emergency medical technician-paramedic, and telecommunicators, to have access to benefits through the pools for exposure to a posttraumatic stress injury.

A payment may be made from the pool to a covered individual for the actual award, up to \$10,000, for seeking treatment with a licensed psychiatrist or a licensed psychologist and any subsequent courses of treatment recommended by a licensed individual. If the covered individual returns to the same position of employment after a posttraumatic stress injury diagnosis, the covered individual may receive the benefit for the continued treatment of the injury or any subsequently covered post traumatic stress injury diagnosis.

Currently, the State Fire Marshal is allowed to disburse grants to voluntary critical illness pools. This provision sunsets June 30, 2023; the bill repeals the sunset date.

This bill adds posttraumatic stress disorder (PTSD) when diagnosed in first responders to the list of occupational diseases compensable under workers' compensation.

The bill amends the "Critical Incident Stress Management Program" within the Department of Public Safety and adds a provision specifying that the program will provide services for firefighters as well, not just peace officers.

JUVENILE OFFENDERS (Section 211.031, 211.071, 211.600, 217.345, and 217.690)

Currently, the juvenile court has exclusive original jurisdiction in proceedings involving a juvenile who violated a state law and jurisdiction in those cases can be taken by the court of the circuit in which the child resides or in which the violation is alleged to have occurred.

This bill provides that any proceeding involving a child alleged to have violated state law shall be brought in the court of the circuit in which the violation occurred, except if a juvenile officer transfers the case or the court grants a motion to transfer the case to the circuit court in which the child resides.

Currently, a child between the ages of 12 and 18 may be certified for trial as an adult after a hearing, if requested by the court, the juvenile officer, or the child's custodian. This bill changes the ages to between 14 and 18 years old.

Additionally, under current law, a court is required to hold a hearing to determine whether a child should be certified for trial as an adult if the child commits certain offenses. This bill clarifies that such mandatory certification hearings apply to children between the ages of 12 and 18. The bill also adds dangerous felonies to the list of offenses for which a certification hearing is required.

This bill provides that the Office of the State Courts Administrator shall collect certain information as provided in the bill relating to petitions to certify juveniles as adults and make such information publicly available annually.

The bill modifies provisions relating to correctional treatment programs for offenders 18 years of age or younger. The programs shall include physical separation from offenders 18 years of age or older and shall include education programs that award a high school diploma or its equivalent.

Currently, when a person under the age of 18 is sentenced to a term or terms of imprisonment amounting to 15 years or more, that person is eligible for parole after serving 15 years, unless such person was found guilty of murder in the first degree.

This bill adds that such a person will also be ineligible for parole if he or she was found guilty of murder in the second degree when such person knowingly causes the death of another person.

The provisions of Sections 211.071, 211.600, and 217.345 are subject to an emergency clause.

BENCH WARRANTS FOR NON-MOVING TRAFFIC VIOLATIONS (Sections 307.018 and 556.021)

The bill specifies that no court can issue an arrest warrant for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of Chapter 307, RSMo. In lieu of a warrant, the court must issue a notice of failure to respond, pay the assessed fine, or appear and it must schedule a second court date. If the driver fails to respond, pay the fine assessed, or appear after the second notice, the court may issue a default judgment under Section 556.021 for the infraction. At any point after the default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court modify the judgment, and the court will have a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the ability to pay, the court will modify the judgment, as provided in the bill.

JUDICIAL PRIVACY (Sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, and 476.1313)

This bill establishes the "Judicial Privacy Act", which regulates the use of a judicial officer's personal information. Upon receiving a written request, a government agency, as defined in the bill, must not publicly post or display a judicial officer's personal information in publicly available content. After receiving the written request, the government agency must remove the judicial officer's personal information from publicly available content within five business days. After removal, the government agency must not publicly post or display the information and such information will be exempted from the Missouri Sunshine Law. If a government agency fails to comply, the judicial officer may bring an action for injunctive or declaratory relief. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees.

Additionally, no person, business, or association may publicly post or display on the Internet a judicial officer's personal information if the judicial officer has made a written request. Further, this bill provides that no person, business, or

association will solicit, sell, or trade on the Internet a judicial officer's personal information for purposes of harassing, intimidating, or influencing a judicial officer in violation of the offense of tampering with a judicial officer or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

A person, business, or association will have five business days to remove the judicial officer's personal information after receiving a written request. Additionally, the person, business, or association must continue to ensure that the judicial officer's personal information is not made available on any website controlled by such person, business, or association and must not make the judicial officer's personal information public through any medium. If a judicial officer's personal information is made public in violation of this bill, the judicial officer may bring an injunctive or declaratory action. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

This bill provides that the clerk of the court where the judicial officer serves may submit a written request on behalf of the judicial officer if the judicial officer gives written consent and the clerk furnishes a copy of that consent with the request.

A judicial officer's written request must specify what personal information will be maintained as private. Furthermore, a judicial officer will disclose the identity of his or her immediate family and indicate that their personal information will also be excluded to the extent that it could reasonably reveal the judicial officer's personal information. A judicial officer's written request is valid until the judicial officer provides written consent to release the personal information or upon death of the judicial officer. Additionally, this bill will not apply to disclosures on lobbyist activities and campaign finance as required by law.

Written requests transmitted to a county recorder of deeds must only include information specific to eligible documents maintained by that county. Not more than five business days after receiving a written request, the recorder must shield the eligible documents listed in the written request and must electronically reply with a list of documents not found in the county's records. In order to shield subsequent eligible documents, the judicial officer must present a copy of his or her written request to the recorder at the time of recording and the recorder must ensure that the eligible document is shielded within five business days. Eligible documents must remain shielded until the recorder receives a court order or

notarized affidavit signed by the judicial officer. No recorder will be liable for any damages under this provision if the recorder made a good faith effort to comply and no recorder will be liable for the release of eligible documents or data that was released or accessed prior to the document being shielded.

PERSONAL IDENTIFYING INFORMATION (Sections 509.520 and 565.240)

Currently, Social Security numbers of parties or children subject to an order of custody or support and credit and financial information of any parties are to be excluded from pleadings, attachments, or exhibits filed with the court in any case, as well as judgments issued by the court.

Beginning August 28, 2023, the following information must be excluded from pleadings, attachments, exhibits, judgments, orders, or other records of the court, but shall be included in a confidential information sheet filed with the court, which shall not be subject to public inspection or availability:

- (1) Social security numbers of any party or children;
- (2) Credit card numbers, financial institution account numbers, personal identification numbers, or passwords used to secure an account of any party;
- (3) Motor vehicle operator license number;
- (4) Victim's information, including name, address, and other contact information;
- (5) Witness's information, including name, address, and other contact information;
- (6) Any other state identification numbers;
- (7) The name, address, and date of birth of a minor and, if applicable, any next friend; or
- (8) The full date of birth of any party; however, the year of birth shall be made available, except for a minor.

Currently, the unlawful posting of certain information relating to any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such person, with the intent to cause great bodily harm or death shall be a class E felony. This bill modifies the offense of unlawful posting of certain information over the internet by providing that it is a class D felony if a person's

intention or threat results in bodily harm or death to the person whose information was posted or to such person's immediate family member.

WRONGFUL CONVICTION (Section 547.031, 547.500, and 650.058)

Currently, a prosecuting attorney in the jurisdiction in which the person was convicted may file a motion to vacate or set aside the judgment. This bill changes this provision to a prosecutor in the jurisdiction in which charges were filed.

This bill allows the Missouri Office of Prosecution Services to establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

The Missouri Office of Prosecution Services must create an application process for defendants as specified in the bill. The conviction review unit shall consist of two attorneys hired by the executive director of the Missouri Office of Prosecution Services, an investigator, paralegal, and other administrative staff. The Director shall be an ex-officio member of the unit.

Once a review is complete, the conviction review unit must present its findings either to the prosecuting attorney who prosecuted the case or, if the review was requested by the Attorney General, special prosecutor, or other prosecuting attorney's office, to the office that requested the review. Such prosecuting attorney's office is not required to accept or follow the findings and recommendations of the conviction review unit.

Any document produced by the conviction review unit shall be a closed record until after the finality of all proceedings.

The bill also amends provisions related to restitution paid to those who were found guilty of a felony in Missouri but later determined to be actually innocent. Currently it must be by DNA profiling analysis but this bill changes it to apply to any method of exoneration. Additionally, a person may currently receive up to \$100 per day for each day of postconviction incarceration and this bill increases it to up to \$179 per day, up to \$65,000 per fiscal year, and other nonmonetary relief as described in the bill.

MENTAL HEALTH SERVICES FOR DETAINEES (Section 552.020)

Currently, a judge may order a pretrial examination of an accused person who the judge has reasonable cause to believe lacks mental fitness to proceed. The psychiatrist, psychologist, or physician performing the examination must submit a report with findings, opinions, and recommendations on treatment in suitable hospitals.

This bill requires the examination report to contain opinions as to the accused's mental fitness to proceed in the reasonably foreseeable future and recommendations as to whether the accused, if found to lack mental fitness to proceed, should be committed to a suitable hospital for treatment or if the treatment can be provided in a county jail or other detention facility approved by the Director of the Department of Mental Health. Additionally, the report shall contain a recommendation as to whether the accused, if found to lack mental fitness to proceed and if not charged with a dangerous felony, murder in the first degree, or rape in the second degree, should be committed to a suitable hospital facility or may be appropriately treated in the community, and whether the accused can comply with bond conditions and treatment conditions.

PERSISTENT OFFENDERS (Section 558.016)

Currently, the court may sentence a person to an extended term of imprisonment if such person is a persistent offender. This bill adds that a "persistent offender" shall also include a person who has been found guilty of a dangerous felony as defined in law.

ARMED CRIMINAL ACTION (Sections 558.019, 571.015)

Currently, certain offenses are excluded from minimum prison terms for offenders who also have prior felony convictions. This bill repeals the exclusion of the offense of armed criminal action.

This bill provides that the offense of armed criminal action will be an unclassified felony.

CREDIT FOR TIME SERVED (Section 558.031)

Currently, a person can receive credit toward a sentence of imprisonment for all jail time served after conviction and before the commencement of the sentence.

This bill provides that a person must receive credit toward a sentence of imprisonment for all jail time served after the offense occurred. The credit shall be based on the certificate of all applicable jail-time credit from the sheriff who delivered the person into confinement in a correctional center.

CYBERSTALKING AND HARASSMENT TASK FORCE (Section 565.258)

This bill creates the "Stop Cyberstalking and Harassment Task Force". The task force members are specified in the bill and include two members of the House of Representatives appointed by the Speaker of the House and two members of the Senate appointed by the President Pro Tem of the Senate. The Task Force shall elect a

chairperson and shall hold an initial meeting before October 1, 2023.

The Task Force shall collect feedback from stakeholders, which may include victims, law enforcement, victim advocates, and digital evidence and forensics experts. The Task Force shall make recommendations on what resources and tools are needed to stop cyberstalking and harassment, as specified in the bill.

The Task Force shall submit a report to the Governor and General Assembly on or before December 31 of each year and the Task Force shall expire on December 31, 2025, unless the Department of Public Safety determines the Task Force should be extended until December 31, 2027.

ENDANGERING THE WELFARE OF A CHILD (Section 568.045)

This bill adds to the offense of endangering the welfare of a child in the first degree when any person knowingly encourages, aids, or causes a child less than 17 years of age to engage in any conduct violating the law relating to weapons offenses. Under the provisions of the bill, any such person shall be guilty of a class D felony.

This provision is subject to an emergency clause.

UNLAWFUL DISCHARGE OF A FIREARM (Section 571.031)

This bill establishes "Blair's Law", which specifies that a person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of a municipality. Any such person shall be guilty of a class A misdemeanor for the first offense, a class E felony for the second offense, and a class D felony for any third or subsequent offense. These provisions will not apply if the firearm is discharged under circumstances as provided in the bill.

UNLAWFUL POSSESSION OF A FIREARM (Section 571.070)

Currently, unlawful possession of a firearm is a Class D felony, unless a person has been convicted of a dangerous felony, in which case it is a Class C felony.

This bill changes the penalty for the offense to a Class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, in which case it is a Class B felony.

LAW ENFORCEMENT ANIMALS (Sections 575.010, 575.353, 578.007, and 578.022)

This bill creates "Max's Law."

Currently, the offense of assault on a law enforcement animal is a Class C misdemeanor.

This bill provides that the offense of assault on a law enforcement animal is a Class A misdemeanor, if the law enforcement animal is not injured to the point of requiring veterinary care or treatment; a Class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and a Class D felony if the assault results in the death of such animal.

Additionally, exemptions to the offenses of agroterrorism, animal neglect, and animal abuse shall not apply to the killing or injuring of a law enforcement animal while the animal is working.

Finally, this bill adds that any dog that is owned by or in the service of a law enforcement agency and that bites or injures another animal or human is exempt from the penalties of the offense of animal abuse.

DRUG TRAFFICKING (Sections 579.021, 579.022, 579.065, and 579.068)

This bill creates the offense of delivery of a controlled substance causing serious physical injury, which is a class C felony, and it creates the offense of delivery of a controlled substance causing death, which is a class A felony. For the purposes of these sections, the term "controlled substance" is limited to Schedule I and Schedule II controlled substances.

Additionally, under current law, a person commits the offense of drug trafficking in the first or second degree if he or she is distributing or purchasing more than 8 grams or more than 24 grams of a mixture containing a cocaine base. This bill repeals those provisions.

FENTANYL TESTING (Section 579.088)

This bill provides that it is not unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances for the presence of fentanyl.

CIVILIAN OVERSIGHT DIVISIONS (Section 590.653)

This bill allows a city, county, or the City of St. Louis to establish a division of civilian oversight or any other entity that provides civilian review oversight of police agencies. The division or other entity has power solely limited to receiving, investigating, making findings, and recommending disciplinary action upon complaints by members of the public against members of the police department.

CRIME VICTIM RIGHTS (Section 595.209)

Currently, a victim of certain crimes shall be notified by the prosecutor's office and law enforcement of certain filings or status updates in the criminal case of which he or she is a victim.

This bill adds that the victim can be notified by certified mail or by electronic mail.

OFFICE OF PUBLIC DEFENDER (Section 600.042)

This bill creates the "Public Defender - Federal and Other Fund" and requires moneys from any government grant, private gift, donation, bequest, or other sources to be deposited into the fund. The money must be used for the sole purpose of funding local offices of the office of the State Public Defender.

EXPUNGEMENT OF CRIMINAL RECORDS (Sections 610.140 and 488.650)

This bill modifies provisions relating to the number of crimes a person may apply to have expunged from his or her record. A person may seek to expunge all crimes as part of the same course of criminal conduct or as part of an extended course of criminal conduct, subject to limitations as specified in the bill.

Currently, certain offenses, violations, and infractions are not eligible for expungement. This bill adds that any offense that at the time of conviction requires registration as a sex offender is not eligible for expungement. Additionally, this bill adds that the offenses, or successor offenses, of sexual conduct with a nursing facility resident in the second degree, use of a child in sexual performance, promoting a sexual performance of a child, or cross burning are not eligible for expungement.

This bill changes provisions regarding any offense of unlawful use of weapons as not eligible for expungement to any "felony" offense of unlawful use of weapons is not eligible.

The bill provides that a person may petition for expungement of crimes committed as part of an extended course of criminal conduct at least 10 years from the date of any sentence imposed under law.

This bill repeals the provision that a court can make a determination at the hearing based solely on a victim's testimony and adds that a court may find that the continuing impact of the offense upon the victim rebuts the presumption that expungement is warranted.

The bill also changes the time a person can petition to expunge an arrest record for an eligible crime from three years after the date of the arrest to 18 months from the date of the arrest.

This bill provides that a person shall be fully restored to the status he or she occupied prior to the arrests, pleas, trials, or convictions expunged. Additionally, this bill modifies provisions allowing a person to answer "no" to an employer's inquiry about any arrests, charges, or convictions of a crime.

Finally, this bill repeals provisions relating to the \$250 surcharge to file a petition for expungement.