

SECOND REGULAR SESSION

HOUSE BILL NO. 2823

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PROUDIE.

4810H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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:

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

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

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

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

13 (5) "Public nuisance", a continuing act or physical condition that is made,
14 permitted, allowed, or continued by any person or legal entity, a person's or legal
15 entity's agent or servant, or any person or legal entity who aids therein, and that is
16 detrimental to the safety, welfare, or convenience of the inhabitants of a political
17 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**
19 **as 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,**
28 **crime, 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**
31 **resident, tenant, or landlord may bring a civil action for a violation of this section and**
32 **seek an order 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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