

HCS HBs 1692 & 1748 -- ARRESTS, STOPS, AND DETENTIONS

SPONSOR: Sparks

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 19 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 6 to 2 with 1 voting present.

The following is a summary of the House Committee Substitute for HB 1692.

This bill amends the penalty for the offense of resisting or interfering with arrest, which is currently a class A misdemeanor under certain circumstances and a class E felony under other circumstances. This bill specifies that resisting or interfering with or escaping or attempting to escape from a stop, detention, or arrest or from custody after such stop, detention, or arrest is a class A misdemeanor, unless it falls within one of the exceptions listed in the bill, in which case it is a class E felony. If the escape or attempted escape is committed by means of a deadly weapon or a dangerous instrument or by holding another person hostage, it is a class A felony.

The bill also creates "Valentine's Law", which establishes the offense of aggravated fleeing a stop or detention of a motor vehicle. A person commits such offense if he or she knows or reasonably should know that a law enforcement officer is attempting to detain or stop a motor vehicle and, in various ways described in the bill, he or she flees. A person is presumed to be fleeing an attempted vehicle detention or stop if he or she continues to operate a motor vehicle after he or she has seen or reasonably should have seen clearly visible emergency lights or has heard or reasonably should have heard an audible signal emanating from the pursuing law enforcement vehicle. While it is not a defense to prosecution of this offense that the officer was acting unlawfully, the provisions of the bill do not bar civil suits for unlawful arrest. The offense of aggravated fleeing a stop or detention when a person operates a vehicle at a high rate of speed or in such a way that creates a substantial risk of serious physical injury or death to any person is a class D felony without eligibility for probation, parole, or conditional release until the person has served at least one year of his or her sentence. The offense when, as a result of the fleeing, the person causes physical injury to another person is a class B felony. If, as a result of the fleeing, a person causes death to another person, the offense is a class A felony.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that criminals are disregarding the safety of others and fleeing at a high rate of speed. Supporters say that the current pursuit policy is so conservative that no one really chases anyone anymore. The desire to catch a perpetrator should be balanced against protecting the safety of the public but it shouldn't be so lax that people know that the police will not chase them. This law equates to saving lives. It's not a silver bullet but it's at least a deterrent. One year, there were 2,740 "failures to yield," which means a car that police are trying to pull over refuses stop.

Testifying in person for the bill were Representative Sparks; Missouri Fraternal Order of Police; St. Louis Police Officers Association; Kansas City Fraternal Order Of Police; Jason Law, St. Louis County Police; Tim Ware, St. Louis County Police; Lenell Anderson, St. Louis County; Chase Campbell, Winton Policy Group; Chris Digiuseppi, LELC/MPCA; Joe Patterson, St. Louis County Police Association; and Missouri Police Chiefs Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say there just needs to be some technical language fixes made to the bill to ensure there are no proof threshold issues.

Testifying in person on the bill was Stephen Sokoloff, Mo Office Of Prosecution Services.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.