

SECOND REGULAR SESSION

# HOUSE BILL NO. 2310

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES (12).

5888H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 84.710 and 544.170, RSMo, and to enact in lieu thereof two new sections relating to law enforcement detention time.

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

Section A. Sections 84.710 and 544.170, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 84.710 and 544.170, to read as follows:

84.710. 1. The members of the police force appointed in pursuance hereof are hereby  
2 declared to be officers of the state of Missouri and of the city for which such commissioners  
3 are appointed.

4 2. They shall have power within the city or on public property of the city beyond the  
5 corporate limits thereof to arrest, on view, any person they see violating or whom they have  
6 reason to suspect of having violated any law of the state or ordinance of the city. They shall  
7 have power to arrest and hold, without warrant, for a period of time not exceeding ~~twenty-~~  
8 ~~four~~ **seventy-two** hours, persons found within the city or on public property of the city  
9 beyond the corporate limits thereof charged with having committed felonies in other states,  
10 and who are reported to be fugitives from justice. They shall also have the power to stop any  
11 person abroad whenever there is reasonable ground to suspect that he is committing, has  
12 committed or is about to commit a crime and demand of him his name, address, business  
13 abroad and whither he is going. When stopping or detaining a suspect, they may search him  
14 for a dangerous weapon whenever they have reasonable ground to believe they are in danger  
15 from the possession of such dangerous weapon by the suspect. No unreasonable force shall  
16 be used in detaining or arresting any person, but such force as may be necessary may be used  
17 when there is no other apparent means of making an arrest or preventing an escape and only

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 after the peace officer has made every reasonable effort to advise the person that he is the  
19 peace officer engaged in making arrest.

20 3. Any person who has been arrested without a warrant may be released, without  
21 being taken before a judge, by the officer in charge of the police station whenever the officer  
22 is satisfied that there is no ground for making complaint against him, or when the person was  
23 arrested for a misdemeanor and will sign a satisfactory agreement to appear in court at the  
24 time designated.

544.170. 1. All persons arrested and confined in any jail or other place of  
2 confinement by any peace officer, without warrant or other process, for any alleged breach of  
3 the peace or other criminal offense, or on suspicion thereof, shall be discharged from said  
4 custody within ~~[twenty-four]~~ **seventy-two** hours from the time of such arrest, unless they  
5 shall be charged with a criminal offense by the oath of some credible person, and be held by  
6 warrant to answer to such offense.

7 2. In any confinement to which the provisions of this section apply, the confinee shall  
8 be permitted at any reasonable time to consult with counsel or other persons acting on the  
9 confinee's behalf.

10 3. Any person who violates the provisions of this section, by refusing to release any  
11 person who is entitled to release pursuant to this section, or by refusing to permit a confinee to  
12 consult with counsel or other persons, or who transfers any such confinees to the custody or  
13 control of another, or to another place, or who falsely charges such person, with intent to  
14 avoid the provisions of this section, is guilty of a class A misdemeanor.

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