

HOUSE BILL NO. 3017

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE IRWIN.

6780H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 577, RSMo, by adding thereto one new section relating to the offense of permitting a public nuisance, with a penalty provision.

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

Section A. Chapter 577, RSMo, is amended by adding thereto one new section, to be
2 known as section 577.900, to read as follows:

3 **577.900. 1. A person commits the offense of permitting a public nuisance if he or**
4 **she knowingly permits, allows, or fails to prevent any illegal activity occurring on a**
5 **property the person owns, rents, occupies, or controls.**

6 **2. The offense of permitting a public nuisance is a class E felony.**

7 **3. For purposes of this section, "illegal activity" includes:**

8 **(1) Peace disturbances arising from noise complaints, loud or disorderly parties,**
9 **or other conduct constituting a disturbance of the peace under Missouri law;**

10 **(2) The underage consumption of alcohol;**

11 **(3) The unlawful sale, distribution, or provision of alcoholic beverages;**

12 **(4) Acts of violence including, but not limited to, assault, domestic assault, or**
13 **other offenses against persons under chapter 565;**

14 **(5) Weapons offenses, including unlawful possession, discharge, or use of**
15 **firearms or other weapons; or**

16 **(6) Any other criminal acts against persons occurring on the premises.**

17 **4. (1) After three documented complaints to law enforcement or independent**
observations by law enforcement of one or more illegal activities listed in subsection 3 of
this section on the same property within a twelve-month period, the person who owns,

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 rents, occupies, or controls the property shall be subject to arrest for permitting a public
19 nuisance, provided that:

20 (a) Each call for service is documented by a responding law enforcement agency;

21 (b) The responding law enforcement officer identifies and records the illegal
22 activity observed; and

23 (c) The individual to be charged had ownership, control, or occupancy of the
24 property at the time the illegal activity occurred.

25 (2) Nothing in this subsection shall prohibit law enforcement from taking
26 enforcement action prior to the third documented call for service if otherwise
27 authorized by law.

28 5. (1) If no lawful owner, occupant, or responsible party can be established after
29 reasonable inquiry or it is determined that the owner of record is deceased and no
30 responsible party has assumed control of the property, the governmental authority with
31 jurisdiction shall be authorized to secure, board, or otherwise restrict entry to the
32 structure to protect public safety and prevent continued nuisance activity.

33 (2) Once secured, any person found on or within the property without lawful
34 authority shall be subject to arrest for trespass under applicable municipal or state law.

35 6. Nothing in this section prohibits a prosecuting attorney from charging a
36 person under this section and under section 579.105.

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