

FIRST REGULAR SESSION

HOUSE BILL NO. 641

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOLLY, BRITT, JOHNSON (90), HAMPTON, HOSMER, MERIDETH, BOUCHER (Co-sponsors), MONACO, WARD, SELBY, REID, FARNEN, LUETKENHAUS, COLEMAN, RELFORD, OSTMANN, KELLY (36), BARRY AND MOORE.

Read 1st time February 5, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1505L.011

AN ACT

To repeal section 544.170, RSMo 2000, relating to confinement of persons without process, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

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

Section A. Section 544.170, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 544.170, to read as follows:

544.170. **1. Except as provided in subsection 2 of this section**, all persons arrested and confined in any jail[, calaboose] or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense[; and every such person shall, while so confined, be permitted at all reasonable hours during the day to consult with counsel or other persons in his behalf; and any person or officer who shall violate the provisions of this section, by refusing to release any person who shall be entitled to such release, or by refusing to permit him to see and consult with counsel or other persons, or who shall transfer any such prisoner to the custody or control of another, or to another place, or prefer against such person a false charge, with intent to avoid the provisions of this section, shall be deemed guilty of a misdemeanor].

2. Upon a determination by the commanding officer, or the delegate thereof, of the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 law enforcement agency making such an arrest, a person arrested for any of the following
15 offenses without warrant or other process of law, shall be released from custody within
16 thirty-two hours of arrest, unless the person is charged and held pursuant to a warrant to
17 answer for such offense:

18 (1) First degree murder pursuant to section 565.020, RSMo;

19 (2) Second degree murder pursuant to section 565.021, RSMo;

20 (3) First degree assault pursuant to section 565.050, RSMo;

21 (4) Forcible rape pursuant to section 566.030, RSMo;

22 (5) Forcible sodomy pursuant to section 566.060, RSMo;

23 (6) First degree robbery pursuant to section 659.020, RSMo; or

24 (7) Distribution of drugs pursuant to section 195.211, RSMo.

25 3. In any confinement to which the provisions of this section apply, the confinee
26 shall be permitted at any reasonable time to consult with counsel or other persons acting
27 on the confinee's behalf.

28 4. Any person who violates the provisions of this section, by refusing to release any
29 person who is entitled to release pursuant to this section, or by refusing to permit a
30 confinee to consult with counsel or other persons, or who transfers any such confinees to
31 the custody or control of another, or to another place, or who falsely charges such person,
32 with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.