

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1644
95TH GENERAL ASSEMBLY

3408L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 630.155, RSMo, and to enact in lieu thereof two new sections relating to certain crimes involving mistreatment of a mental health patient, with penalty provisions.

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

Section A. Section 630.155, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 630.155 and 1, to read as follows:

630.155. 1. A person commits the crime of "patient, resident or client abuse or neglect" against any person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, or any patient, resident or client of any residential facility, day program or specialized service operated, funded or licensed by the department if [he] **such person** knowingly does any of the following:

(1) Beats, strikes or injures any person, patient, resident or client, **except in self-defense or defense of others;**

(2) Mistreats or maltreats, handles or treats any such person, patient, resident or client in a brutal or inhuman manner;

(3) Uses any more force than is reasonably necessary for the proper control, treatment or management of such person, patient, resident or client, **or for self-defense or defense of others;**

(4) Fails to provide services which are reasonable and necessary to maintain the physical and mental health of any person, patient, resident or client when such failure presents either an imminent danger to the health, safety or welfare of the person, patient, resident or client, or a substantial probability that death or serious physical harm will result.

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 2. Patient, resident or client abuse or neglect is a class A misdemeanor unless committed
19 under subdivision (2) or (4) of subsection 1 of this section in which case such abuse or neglect
20 shall be a class D felony.

21 **3. For purposes of this section and section 1 of this act, self-defense and defense of**
22 **others shall justify only the use of the minimal amount of force reasonably necessary to**
23 **deter an imminent threat of harm to oneself or another person, or to end an assault on**
24 **oneself or another person. Any person who acts in self-defense or defense of others in the**
25 **course of employment and not in violation of this section shall not be terminated from such**
26 **employment based on such actions taken in self-defense or defense of others and the**
27 **employment record of such person shall be expunged of any documentation regarding such**
28 **acts in self-defense or defense of others.**

29 **4. The provisions of subsection 3 of this section shall apply only in the case of**
30 **employees who are employed at facilities designated as maximum or medium security**
31 **facilities by the department of mental health.**

 Section 1. 1. The department of mental health shall not terminate or otherwise
2 sanction the employment of any person who acts in self-defense or defense of others in the
3 course of employment against any person, patient, resident, or client who is dangerous or
4 violent, has a history of dangerous or violent behavior, or whose mental state or condition
5 includes dangerous or violent tendencies.

6 **2. If a person asserts self-defense or defense of others, the department shall conduct**
7 **a hearing in accordance to chapter 536 to determine whether such person acted in self-**
8 **defense or defense of others. Any adverse determination by the department shall be**
9 **subject to appeal in accordance with chapter 536.**

10 **3. If a person acts in self-defense or defense of others, such person's employment**
11 **record shall be expunged of any documentation regarding such acts in self-defense or**
12 **defense of others.**

13 **4. The provisions of this section shall apply only in the case of employees who are**
14 **employed at facilities designated as maximum or medium security facilities by the**
15 **department of mental health.**

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