

HCS HB 600, 337 & 413 -- PUBLIC SAFETY (Schad)

COMMITTEE OF ORIGIN: Committee on Crime Prevention and Public Safety

This substitute changes the laws regarding public safety.

STATE HIGHWAY PATROL (Sections 43.260, 43.265, and 306.130, RSMo)

Currently, the State Highway Patrol is authorized to sell surplus patrol motor vehicles. The substitute allows the patrol to also sell surplus watercraft, watercraft motors, and trailers.

The Highway Patrol's Motor Vehicle and Aircraft Revolving Fund is renamed the Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund and allows it to also be used to purchase watercraft, watercraft motors, and trailers as well as vehicles.

Any person who holds a permit issued by the Water Patrol Division within the patrol to host a regatta, motorboat, or other watercraft race; marine parade; tournament; or parasail operation or exhibition on any waters of the state is prohibited from knowingly violating any term of the permit.

MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM (Section 70.695)

The substitute allows a retiree of the Missouri Local Government Employees' Retirement System to have health insurance or long-term care insurance premiums deducted from his or her retirement allowance in accordance with Section 402 of the federal Internal Revenue Code of 1986 as amended.

INFECTIOUS DISEASES INCURRED IN THE LINE OF DUTY (Sections 87.005 and 87.006)

Any infectious disease, as specified in the substitute, which causes a condition of impaired health that results in a disability or death of a fire fighter in certain circumstances will be presumed to have been contracted by the fire fighter in the line of duty as it relates to a claim for disability or death or for retirement benefits. The fire fighter must submit to an annual physical examination which includes a blood test.

ENDANGERMENT OF EMERGENCY PERSONNEL (Sections 302.302, 304.890, 304.892, and 304.894)

The substitute specifies that a person will be guilty of the crime of endangerment of emergency personnel or emergency

responder if, while in an active emergency zone as defined in the substitute, the person:

- (1) Exceeds the posted speed limit by 15 miles per hour or more;
- (2) Commits a passing violation;
- (3) Fails to stop for an active emergency zone flagman or emergency personnel or fails to obey erected traffic control devices or personnel in the active emergency zone;
- (4) Drives through or around an active emergency zone by using any lane not clearly designated for that purpose;
- (5) Physically assaults, attempts to assault, or threatens to assault an emergency responder in an active emergency zone with a vehicle or other item;
- (6) Intentionally strikes, moves, or alters barrels, barriers, signs, or other devices erected to control the flow of traffic for any reason other than to avoid an obstacle, an emergency, or to protect the health and safety of any person; or
- (7) Commits certain specified traffic offenses for which points may be assessed against a person's driver's license.

Any person who commits the crime of endangerment of an emergency personnel or emergency responder will be subject to a fine of up to \$1,000 and have four points assessed against his or her driver's license in addition to any other penalty authorized by law. If the offense results in the injury or death of an emergency responder or emergency personnel, the person will be guilty of aggravated endangerment of an emergency responder and will be subject to a fine of up to \$5,000 for an injury and \$10,000 for a death with 12 points assessed against the person's driver's license.

The substitute requires a court to assess a fine of \$35 in addition to any other authorized fine to a person who is convicted of or who pled guilty to a first offense for a moving violation if the offense occurred within an active emergency zone. For a subsequent conviction or plea of guilty, the court must assess a \$75 fine in addition to any other authorized fine. Upon the first conviction or plea of guilty by any person for a speeding or a passing violation, a court must assess a fine of \$250 in addition to any other authorized fine if the offense occurred within an active emergency zone and at the time the speeding or passing violation occurred there were emergency personnel or emergency responders in the zone. For a subsequent conviction or plea, the court must assess a fine of \$300 in

addition to any other fine authorized by law. No person can be assessed an additional fine if the area is not visibly marked by emergency personnel.

INTOXICATION-RELATED TRAFFIC OFFENSES (Sections 302.309, 565.024, and 577.023)

Currently, courts and the Department of Revenue are authorized to issue limited driving privileges to allow repeat offenders of alcohol-related traffic offenses to drive a motor vehicle in connection with a business, occupation, or employment; seeking medical treatment; attending school; attending alcohol or drug treatment programs; seeking the required services of a certified ignition interlock device provider; or any other circumstance the court or the department director finds would create an undue hardship if not allowed. In order for Missouri to comply with federal law for the purpose of receiving transportation funding, the substitute removes the issuance of limited driving privileges for the purpose of seeking medical treatment or for any other circumstance that the court or department director finds would create an undue hardship if not allowed but specifies that it can be used for driving to and from the operator's place of employment.

The substitute also increases from 30 days to 45 days the length of time that a person convicted of an alcohol-related offense must have his or her driver's license revoked before being eligible for a limited driving privilege.

The crime of involuntary manslaughter in the first degree in which a person while in an intoxicated condition operates a motor vehicle or vessel and when doing so acts with criminal negligence to cause the death of any person, a class B felony, is increased to a class A felony if the person has a prior conviction or plea of guilty to driving while intoxicated.

Currently, prior and persistent offenders are allowed to participate in and successfully complete a program established by a DWI court or other court-ordered treatment program in lieu of imprisonment or community service. In order to comply with federal law, the substitute requires a prior or persistent offender to perform a specified amount of community service along with completing a DWI court-ordered or other court-ordered treatment program.

TEXT MESSAGING WHILE DRIVING (Section 304.820)

Currently, an individual 21 years of age or younger is prohibited from sending, reading, or writing a text message or electronic message from a hand-held electronic wireless communications

device while operating a moving motor vehicle on any highway in this state. The substitute prohibits anyone, regardless of age, from these activities unless the device being used is equipped with technology allowing for voice-recognition hands-free texting and is being used in that manner.

OPERATING A VESSEL WHILE INTOXICATED (Sections 306.111 - 306.119)

The substitute expands the crimes of operating a vessel while intoxicated and operating a vessel with excessive blood alcohol content to include all waters of the state. Currently, it applies only to the Mississippi River, Missouri River, or the lakes of the state. "Vessel" means every motorboat and every description of motorized watercraft and any watercraft more than 12 feet in length which is powered by sail alone or by a combination of sail and machinery that is used or capable of being used as a means of transportation on water but not any watercraft having as the only means of propulsion a paddle or oars. Any person who operates a vessel upon the waters of the state is deemed to have given consent to a chemical test for the purpose of determining alcohol or drug content if arrested for any intoxication-related offense for which the arresting law enforcement officer had reasonable grounds to believe was committed while the person was operating a vessel upon the waters of this state. The definitions of "aggravated offender," "chronic offender," "persistent offender," and "intoxication-related boating offense" are revised to include involuntary manslaughter involving a vessel under Section 565.024.

SUPREME COURT REVIEW OF DEATH SENTENCES (Section 565.035)

When reviewing any case in which the death penalty is imposed, the Missouri Supreme Court must determine whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases in which a sentence of death was imposed.

ASSAULT OF A UTILITY WORKER (Sections 565.081 - 565.083)

The substitute expands the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction or work zone, or probation and parole officer in the first, second, and third degrees to include a utility worker while performing his or her job duties and repeals a duplicate provision currently in statute regarding this crime in the second degree.

FIRST DEGREE PROPERTY DAMAGE (Section 569.100)

The crime of property damage in the first degree is revised to include when a person knowingly damages a motor vehicle of

another while making entry into the vehicle for the purpose of committing the crime of stealing or the damage occurs while committing the crime of stealing within the vehicle. Anyone who commits this crime will be guilty of a class C felony unless it is a subsequent violation in which case he or she will be guilty of a class B felony.

RECEIVING STOLEN PROPERTY (Section 570.080)

The substitute revises the punishment for the crime of receiving stolen property, a class A misdemeanor. If the value of the property or services stolen is \$500 or more but less than \$25,000 or a person physically takes the property from the victim or the property consists of certain specified items, the person will be guilty of a class C felony. The receipt of any item of property or services that exceeds \$500 may be considered a separate felony and may be charged in separate counts. Any person with a prior conviction for receiving stolen livestock or captive wildlife who violates those same provisions a subsequent time when the value of the animal stolen exceeds \$3,000 will be guilty of a class B felony and will be required to serve at least 80% of any sentence imposed before he or she is eligible for probation, parole, conditional release, or other early release by the Department of Corrections. Anyone committing an offense in which the value of the property or services is an element will be guilty of a class B felony if the value equals or exceeds \$25,000.

FALSE DECLARATIONS (Section 575.060)

The crime of making a false declaration with the purpose to mislead a public servant in the performance of his or her duty, a class B misdemeanor, is revised to include when a person provides any verbal false statement regarding his or her identity which the person believes or knows not to be true.

TANNING FACILITIES (Section 577.665)

The substitute requires the parent or guardian of any person younger than 18 years of age prior to the minor using a tanning device in a tanning facility to appear in person at the facility and sign an acknowledgment stating that he or she has read and understands the warnings given by the facility and consents to the minor's use of a tanning device at the facility. The Department of Health and Senior Services must by rule develop a standard consent form to be used by all facilities operating in the state.

Anyone violating these provisions will be guilty of a class C misdemeanor, and any tanning facility violating these provisions will be subject to a \$1,000 fine for each violation.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Less than \$116,028 in FY 2012, Less than \$100,000 in FY 2013, and Less than \$100,000 in FY 2014. No impact on Other State Funds in FY 2012, FY 2013, and FY 2014.