

SS SB 745 -- LAW ENFORCEMENT

SPONSOR: Munzlinger (Jones, 50)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 13 to 0.

This bill changes the laws regarding law enforcement.

DEPUTY SHERIFFS - (Sections 57.015, 57.201, 57.220, and 57.250, RSMo)

The bill specifies that a limited definition of deputy sheriff only applies to a provision dealing with dismissal proceedings for a deputy sheriff. Certain provisions dealing with the ability of a sheriff to discharge a deputy sheriff are amended to refer to the limited definition of deputy sheriff.

COUNTY JAIL COSTS - (Sections 221.105 and 488.5026)

All fees collected from the state for incarcerating prisoners in the county jail must be deposited into the inmate prisoner detainee security fund in the county in which the jail is located.

Currently, the governing body of a city or county may assess a \$2 surcharge in all criminal cases. The bill requires that every county must have adopted the surcharge by July 31, 2014.

POWER TO ARREST - (Section 544.216)

Currently, a law enforcement officer may arrest on view, and without a warrant, any person the officer sees violating, or who the officer has reasonable grounds to believe has violated any law of this state or any ordinance over which the officer has jurisdiction.

The Missouri Eastern District Court of Appeals in City of Fredericktown v. Bell, 761 S.W.2d 715, 717 (Mo. Ct. App. 1988) held that Section 544.216 does not provide law enforcement officers with the power of arrest for offenses committed outside the officer's jurisdiction. The bill revises the provision to clarify that a law enforcement officer may only make an arrest without a warrant for an offense over which the officer has jurisdiction.

SPECIAL PROSECUTORS - (Section 571.030)

The bill adds a special prosecutor who has completed the firearms safety training course to the list of individuals for whom specified provisions regarding the crime of unlawful use of weapons

do not apply.

CONCEALED CARRY PERMITS - (Sections 571.101, 571.104, 571.111, and 650.350)

The bill requires a concealed carry permit to be valid for five years from the last day of the month in which it was issued or renewed. Currently, a permit is valid for five years from the date of issuance or renewal. A person who fails to renew his or her permit within the five years must not be eligible for an exception to a National Instant Criminal Background Check under specified regulations regarding the transfer, sale, or delivery of firearms from licensed dealers.

The provisions are repealed requiring the applicant of a concealed carry permit to take a certificate of qualification to the Department of Revenue within seven days of receipt and requiring the department to issue a new driver's or nondriver's license with the permit endorsement.

The bill changes the maximum size of the permit to no larger than two and one-eighth inches by three and three-eighths inches long.

The Missouri Sheriff Methamphetamine Relief Task force, or MoSMART, must provide grants to sheriffs and any designee that is created to support sheriffs in the creation and maintenance of a statewide concealed carry permit system that is accessible to sheriffs and law enforcement agencies. Currently, sheriffs must report certain information regarding concealed carry permit holders to the Missouri Uniform Law Enforcement System (MULES). The bill requires the information to be reported to the new concealed carry permit system.

Currently, information reported and retained regarding concealed carry permits must not be batch processed for query. The bill specifies that information retained in the concealed carry system must not be distributed to any federal, state, or private entities; however, a sheriff may access the concealed carry permit system for administrative purposes to issue permits; verify permit holder information; change permit holder information; and suspend, revoke, or cancel a permit.

The official to whom a concealed carry endorsement or permit was surrendered when suspended or revoked must change the status of the endorsement or permit in the concealed carry system.

The bill repeals a provision requiring a sheriff to notify a person when his or her permit or endorsement is expired and cancelled.

The procedures for a permit holder to change his or her name or address are modified. Current law requires automatic invalidation of a permit or endorsement after 30 days if a permit holder has changed his or her name or address and not notified the sheriff. The bill specifies that the permit or endorsement is automatically invalid after 180 days and requires a person to notify the sheriff of a name or address change within 30 days. The sheriff is allowed to impose a late penalty of \$10 per month for each month, up to six months, the person fails to make the notification.

Currently, an applicant for a concealed carry permit must perform a physical demonstration of his or her ability to safely load a revolver and a semiautomatic pistol, a live firing exercise with both types of firearms, and a live firing test with both firearms. The bill specifies that the applicant only needs to demonstrate an ability to safely load and only requires live firing from either a revolver or a semiautomatic pistol.

Currently, a qualified firearms safety instructor cannot have more than 40 students in a classroom. The bill specifies that an instructor cannot have more than 40 students per certified instructor in the classroom. In addition, the bill modifies a provision to allow a firearms safety instructor to register with the sheriff in the county in which the instructor resides.

The provisions of the bill regarding county jail costs contain an emergency clause and will become effective on July 1, 2014, or upon its passage and approval, whichever later occurs.

PROPONENTS: Supporters say that the bill provides clarity for the State Auditor and cleans up issues related to sheriff operations.

Testifying for the bill were Senator Munzlinger; Greg White, Cole County Sheriff; Missouri Sheriffs Association; and Missourians for Personal Safety.

OPPONENTS: Those opposed to the bill are concerned about who will have discretion over the prisoner per diem fund.

Testifying against the bill was Gary Jungermann, Callaway County Commissioner.