

SECOND REGULAR SESSION

HOUSE BILL NO. 1598

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUBBARD (Sponsor), PACE, ELLINGER, MORGAN, CARTER,
MAY, MONTECILLO, LAMPE, NASHEED, BROWN (50),
HUGHES AND WALTON GRAY (Co-sponsors).

5530L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 455.080 and 565.074, RSMo, and to enact in lieu thereof two new sections relating to domestic violence, with a penalty provision.

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

Section A. Sections 455.080 and 565.074, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 455.080 and 565.074, to read as follows:

455.080. 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of abuse or violation of an order of protection can be informed of any recorded prior incident of abuse involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of abuse or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of abuse or violation of protection orders than is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

(1) The caller indicates that violence is imminent or in progress; or

(2) A protection order is in effect; or

(3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

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.

15 3. Law enforcement agencies may establish domestic crisis teams or, if the agency has
16 fewer than five officers whose responsibility it is to respond to calls of this nature, individual
17 officers trained in methods of dealing with family and household quarrels. Such teams or
18 individuals may be supplemented by social workers, ministers or other persons trained in
19 counseling or crisis intervention. When an alleged incident of family or household abuse is
20 reported, the agency may dispatch a crisis team or specially trained officer, if available, to the
21 scene of the incident.

22 4. The officer at the scene of an alleged incident of abuse shall inform the abused party
23 of available judicial remedies for relief from adult abuse and of available shelters for victims of
24 domestic violence.

25 5. Law enforcement officials at the scene shall provide or arrange transportation for the
26 abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

27 **6. (1) Any person for whom a third response to an alleged incident of abuse or**
28 **violation of an order of protection is made by law enforcement shall automatically be**
29 **placed under arrest and the case shall be referred to the appropriate prosecuting attorney**
30 **for prosecution under subdivision (7) of subsection 1 of section 565.074.**

31 **(2) Nothing in this section shall be deemed as restricting the ability of a prosecuting**
32 **attorney to charge such person with any and all applicable violations of law based on the**
33 **same or similar conduct.**

 565.074. 1. A person commits the crime of domestic assault in the third degree if the
2 act involves a family or household member or an adult who is or has been in a continuing social
3 relationship of a romantic or intimate nature with the actor, as defined in section 455.010 and:

4 (1) The person attempts to cause or recklessly causes physical injury to such family or
5 household member; or

6 (2) With criminal negligence the person causes physical injury to such family or
7 household member by means of a deadly weapon or dangerous instrument; or

8 (3) The person purposely places such family or household member in apprehension of
9 immediate physical injury by any means; or

10 (4) The person recklessly engages in conduct which creates a grave risk of death or
11 serious physical injury to such family or household member; or

12 (5) The person knowingly causes physical contact with such family or household
13 member knowing the other person will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such family or
15 household member by unreasonably and substantially restricting or limiting such family or
16 household member's access to other persons, telecommunication devices or transportation for
17 the purpose of isolation; **or**

18 **(7) In accordance with subsection 6 of section 455.080, the person has been the**
19 **subject of three responses by law enforcement to an alleged incident of abuse or violation**
20 **of an order of protection by such person.**

21 2. Except as provided in subsection 3 of this section, domestic assault in the third degree
22 is a class A misdemeanor.

23 3. A person who has pleaded guilty to or been found guilty of the crime of domestic
24 assault in the third degree more than two times against any family or household member as
25 defined in section 455.010, or of any offense committed in violation of any county or municipal
26 ordinance in any state, any state law, any federal law, or any military law which, if committed
27 in this state, would be a violation of this section, is guilty of a class D felony for the third or any
28 subsequent commission of the crime of domestic assault. The offenses described in this
29 subsection may be against the same family or household member or against different family or
30 household members.

31 **4. Any person who has pleaded guilty or been found guilty under subdivision (7)**
32 **of subsection 1 of this section shall be ordered by the court to participate in a court-**
33 **approved counseling program designed to help batterers stop violent behavior or to**
34 **participate in a substance abuse treatment program.**

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