

FIRST REGULAR SESSION

HOUSE BILL NO. 382

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAHR (Sponsor), SPENCER, KOENIG, CURTMAN,
CORNEJO AND GOSEN (Co-sponsors).

0552H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.010, 67.307, 287.243, 542.400, 556.061, 574.070, 590.010, 595.010, and 650.451, RSMo, and to enact in lieu thereof nine new sections relating to peace officers.

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

Section A. Sections 43.010, 67.307, 287.243, 542.400, 556.061, 574.070, 590.010, 595.010, and 650.451, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 43.010, 67.307, 287.243, 542.400, 556.061, 574.070, 590.010, 595.010, and 650.451, to read as follows:

43.010. As used in this chapter, the following terms shall have the meanings indicated:

- (1) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and troopers of the Missouri state highway patrol;
- (2) "MULES", Missouri uniform law enforcement system, a statewide-computerized communications system provided by the patrol designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the state of Missouri;
- (3) "Patrol", the Missouri state highway patrol;
- (4) "Peace officers", sheriffs, police officers and other peace officers of this state, **excluding any representative of the department of revenue or his or her designee;**
- (5) "Radio personnel", those employees of the patrol engaged in the construction, operation, and maintenance of the patrol radio system.

67.307. 1. As used in this section, the following terms mean:

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.

2 (1) "Law enforcement officer", a sheriff or peace officer of a municipality with the duty
3 and power of arrest for violation of the general criminal laws of the state or for violation of
4 ordinances of municipalities, **excluding any representative of the department of revenue or**
5 **his or her designee;**

6 (2) "Municipality", any county, city, town, or village;

7 (3) "Municipality official", any elected or appointed official or any law enforcement
8 officer serving the municipality, **excluding any representative of the department of revenue**
9 **or his or her designee;**

10 (4) "Sanctuary policy", any municipality's order or ordinance, enacted or followed that:

11 (a) Limits or prohibits any municipality official or person employed by the municipality
12 from communicating or cooperating with federal agencies or officials to verify or report the
13 immigration status of any alien within such municipality; or

14 (b) Grants to illegal aliens the right to lawful presence or status within the municipality
15 in violation of federal law.

16 2. No municipality shall enact or adopt any sanctuary policy. Any municipality that
17 enacts or adopts a sanctuary policy shall be ineligible for any moneys provided through grants
18 administered by any state agency or department until the sanctuary policy is repealed or is no
19 longer in effect. Upon the complaint of any state resident regarding a specific government entity,
20 agency, or political subdivision of this state or prior to the provision of funds or awarding of any
21 grants to a government entity, agency, or political subdivision of this state, any member of the
22 general assembly may request that the attorney general of the state of Missouri issue an opinion
23 stating whether the government entity, agency, or political subdivision has current policies in
24 contravention of this section.

25 3. The governing body, sheriff, or chief of police of each municipality shall provide each
26 law enforcement officer with written notice of their duty to cooperate with state and federal
27 agencies and officials on matters pertaining to enforcement of state and federal laws governing
28 immigration.

29 4. This section shall become effective on January 1, 2009.

287.243. 1. This section shall be known and may be cited as the "Line of Duty
2 Compensation Act".

3 2. As used in this section, unless otherwise provided, the following words shall mean:

4 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with
5 sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted
6 by the department of health and senior services, division of regulation and licensure, 19 CSR
7 30-40.005, et seq.;

8 (2) "Air ambulance registered professional nurse", a person licensed as a registered
9 professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations
10 adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered
11 professional nursing services as a flight nurse in conjunction with an air ambulance program that
12 is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations
13 applicable to such programs;

14 (3) "Emergency medical technician", a person licensed in emergency medical care in
15 accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by
16 the department of health and senior services under sections 190.001 to 190.245;

17 (4) "Firefighter", any person, including a volunteer firefighter, employed by the state or
18 a local governmental entity as an employer defined under subsection 1 of section 287.030, or
19 otherwise serving as a member or officer of a fire department either for the purpose of the
20 prevention or control of fire or the underwater recovery of drowning victims;

21 (5) "Killed in the line of duty", when a person defined in this section loses one's life as
22 a result of an injury received in the active performance of his or her duties within the ordinary
23 scope of his or her respective profession while the individual is on duty and but for the
24 individual's performance, death would have not occurred. The term excludes death resulting
25 from the willful misconduct or intoxication of the law enforcement officer, emergency medical
26 technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. The
27 division of workers' compensation shall have the burden of proving such willful misconduct or
28 intoxication;

29 (6) "Law enforcement officer", any person employed by the state or a local governmental
30 entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary
31 police officer or in some like position involving the enforcement of the law and protection of the
32 public interest at the risk of that person's life, **excluding any representative of the department**
33 **of revenue or his or her designee;**

34 (7) "Local governmental entity", includes counties, municipalities, townships, board or
35 other political subdivision, cities under special charter, or under the commission form of
36 government, fire protection districts, ambulance districts, and municipal corporations;

37 (8) "State", the state of Missouri and its departments, divisions, boards, bureaus,
38 commissions, authorities, and colleges and universities;

39 (9) "Volunteer firefighter", a person having principal employment other than as a
40 firefighter, but who is carried on the rolls of a regularly constituted fire department either for the
41 purpose of the prevention or control of fire or the underwater recovery of drowning victims, the
42 members of which are under the jurisdiction of the corporate authorities of a city, village,

43 incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual
44 who volunteers assistance without being regularly enrolled as a firefighter.

45 3. (1) A claim for compensation under this section shall be filed by the estate of the
46 deceased with the division of workers' compensation not later than one year from the date of
47 death of a law enforcement officer, emergency medical technician, air ambulance pilot, air
48 ambulance registered professional nurse, or firefighter. If a claim is made within one year of the
49 date of death of a law enforcement officer, emergency medical technician, air ambulance pilot,
50 air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation
51 shall be paid, if the division finds that the claimant is entitled to compensation under this section.

52 (2) The amount of compensation paid to the claimant shall be twenty-five thousand
53 dollars, subject to appropriation, for death occurring on or after June 19, 2009.

54 4. Notwithstanding subsection 3 of this section, no compensation is payable under this
55 section unless a claim is filed within the time specified under this section setting forth:

56 (1) The name, address, and title or designation of the position in which the law
57 enforcement officer, emergency medical technician, air ambulance pilot, air ambulance
58 registered professional nurse, or firefighter was serving at the time of his or her death;

59 (2) The name and address of the claimant;

60 (3) A full, factual account of the circumstances resulting in or the course of events
61 causing the death at issue; and

62 (4) Such other information that is reasonably required by the division.

63

64 When a claim is filed, the division of workers' compensation shall make an investigation for
65 substantiation of matters set forth in the application.

66 5. The compensation provided for under this section is in addition to, and not exclusive
67 of, any pension rights, death benefits, or other compensation the claimant may otherwise be
68 entitled to by law.

69 6. Neither employers nor workers' compensation insurers shall have subrogation rights
70 against any compensation awarded for claims under this section. Such compensation shall not
71 be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be
72 subject to setoff or counterclaim, or be in any way liable for any debt, except that the division
73 or commission may allow as lien on the compensation, reasonable attorney's fees for services in
74 connection with the proceedings for compensation if the services are found to be necessary.
75 Such fees are subject to regulation as set forth in section 287.260.

76 7. Any person seeking compensation under this section who is aggrieved by the decision
77 of the division of workers' compensation regarding his or her compensation claim, may make
78 application for a hearing as provided in section 287.450. The procedures applicable to the

79 processing of such hearings and determinations shall be those established by this chapter.
80 Decisions of the administrative law judge under this section shall be binding, subject to review
81 by either party under the provisions of section 287.480.

82 8. Pursuant to section 23.253 of the Missouri sunset act:

83 (1) The provisions of the new program authorized under this section shall automatically
84 sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

85 (2) If such program is reauthorized, the program authorized under this section shall
86 automatically sunset twelve years after the effective date of the reauthorization of this section;
87 and

88 (3) This section shall terminate on September first of the calendar year immediately
89 following the calendar year in which the program authorized under this section is sunset.

90 9. The provisions of this section, unless specified, shall not be subject to other provisions
91 of this chapter.

92 10. There is hereby created in the state treasury the "Line of Duty Compensation Fund",
93 which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts,
94 or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve
95 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
96 appropriation, money in the fund shall be used solely for paying claims under this section.
97 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
98 fund at the end of the biennium shall not revert to the credit of the general revenue fund. The
99 state treasurer shall invest moneys in the fund in the same manner as other funds are invested.
100 Any interest and moneys earned on such investments shall be credited to the fund.

101 11. The division shall promulgate rules to administer this section, including but not
102 limited to the appointment of claims to multiple claimants, record retention, and procedures for
103 information requests. Any rule or portion of a rule, as that term is defined in section 536.010,
104 that is created under the authority delegated in this section shall become effective only if it
105 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
106 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
107 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and
108 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
109 any rule proposed or adopted after June 19, 2009, shall be invalid and void.

542.400. As used in sections 542.400 to 542.422, the following words and phrases mean:

2 (1) "Aggrieved person", a person who was a party to any intercepted wire
3 communication or a person against whom the interception was directed;

4 (2) "Communication common carrier", an individual or corporation undertaking to
5 transport messages for compensation;

6 (3) "Contents", when used with respect to any wire communication, includes any
7 information concerning the identity of the parties, the substance, purport, or meaning of that
8 communication;

9 (4) "Court of competent jurisdiction", any circuit court having general criminal
10 jurisdiction within the territorial jurisdiction where the communication is to be intercepted
11 including any circuit judge specially assigned by the supreme court of Missouri pursuant to
12 section 542.404;

13 (5) "Electronic, mechanical, or other device", any device or apparatus which can be used
14 to intercept a wire communication other than:

15 (a) Any telephone or telegraph instrument, equipment or facility, or any component
16 thereof, owned by the user or furnished to the subscriber or user by a communications common
17 carrier in the ordinary course of its business and being used by the subscriber or user in the
18 ordinary course of its business or being used by a communications common carrier in the
19 ordinary course of its business or by an investigative office or law enforcement officer in the
20 ordinary course of his duties; or

21 (b) A hearing aid or similar device being used to correct subnormal hearing to not better
22 than normal;

23 (6) "Intercept", the aural acquisition of the contents of any wire communication through
24 the use of any electronic or mechanical device, including but not limited to interception by one
25 spouse of another spouse;

26 (7) "Investigative officer" or "law enforcement officer or agency", any officer or agency
27 of this state or a political subdivision of this state, who is empowered by law to conduct
28 investigations of or to make arrests for offenses enumerated in sections 542.400 to 542.422, and
29 any attorney authorized by law to prosecute or participate in the prosecution of such offenses,
30 **excluding any representative of the department of revenue or his or her designee;**

31 (8) "Oral communication", any communication uttered by a person exhibiting an
32 expectation that such communication is not subject to interception under circumstances justifying
33 such expectation;

34 (9) "Person", any employee, or agent of this state or political subdivision of this state,
35 and any individual, partnership, association, joint stock company, trust, or corporation;

36 (10) "Prosecuting attorney", the elected prosecuting attorney of the county or the circuit
37 attorney of any city not contained within a county;

38 (11) "State", the state of Missouri and political subdivisions of the state;

39 (12) "Wire communication", any communication made in whole or in part through the
40 use of facilities for the transmission of communications by the aid of wire, cable, or other like
41 connection between the point of origin and the point of reception including the use of such

42 connection in a switching station furnished or operated by any person engaged as a common
43 carrier in providing or operating such facilities for the transmission of local, state or interstate
44 communications.

556.061. In this code, unless the context requires a different definition, the following
2 shall apply:

3 (1) "Affirmative defense" has the meaning specified in section 556.056;

4 (2) "Burden of injecting the issue" has the meaning specified in section 556.051;

5 (3) "Commercial film and photographic print processor", any person who develops
6 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
7 or slides, for compensation. The term commercial film and photographic print processor shall
8 include all employees of such persons but shall not include a person who develops film or makes
9 prints for a public agency;

10 (4) "Confinement":

11 (a) A person is in confinement when such person is held in a place of confinement
12 pursuant to arrest or order of a court, and remains in confinement until:

13 a. A court orders the person's release; or

14 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

15 c. A public servant having the legal power and duty to confine the person authorizes his
16 release without guard and without condition that he return to confinement;

17 (b) A person is not in confinement if:

18 a. The person is on probation or parole, temporary or otherwise; or

19 b. The person is under sentence to serve a term of confinement which is not continuous,
20 or is serving a sentence under a work-release program, and in either such case is not being held
21 in a place of confinement or is not being held under guard by a person having the legal power
22 and duty to transport the person to or from a place of confinement;

23 (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not
24 constitute consent if:

25 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
26 to constitute the offense and such mental incapacity is manifest or known to the actor; or

27 (b) It is given by a person who by reason of youth, mental disease or defect, or
28 intoxication, is manifestly unable or known by the actor to be unable to make a reasonable
29 judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

30 (c) It is induced by force, duress or deception;

31 (6) "Criminal negligence" has the meaning specified in section 562.016;

32 (7) "Custody", a person is in custody when the person has been arrested but has not been
33 delivered to a place of confinement;

34 (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first
35 degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical
36 injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault
37 of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse
38 in the first degree, robbery in the first degree, statutory rape in the first degree when the victim
39 is a child less than twelve years of age at the time of the commission of the act giving rise to the
40 offense, statutory sodomy in the first degree when the victim is a child less than twelve years of
41 age at the time of the commission of the act giving rise to the offense, and, abuse of a child
42 pursuant to subdivision (2) of subsection 3 of section 568.060, child kidnapping, and parental
43 kidnapping committed by detaining or concealing the whereabouts of the child for not less than
44 one hundred twenty days under section 565.153;

45 (9) "Dangerous instrument" means any instrument, article or substance, which, under the
46 circumstances in which it is used, is readily capable of causing death or other serious physical
47 injury;

48 (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from
49 which a shot, readily capable of producing death or serious physical injury, may be discharged,
50 or a switchblade knife, dagger, billy, blackjack or metal knuckles;

51 (11) "Felony" has the meaning specified in section 556.016;

52 (12) "Forcible compulsion" means either:

53 (a) Physical force that overcomes reasonable resistance; or

54 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
55 physical injury or kidnapping of such person or another person;

56 (13) "Incapacitated" means that physical or mental condition, temporary or permanent,
57 in which a person is unconscious, unable to appraise the nature of such person's conduct, or
58 unable to communicate unwillingness to an act. A person is not incapacitated with respect to an
59 act committed upon such person if he or she became unconscious, unable to appraise the nature
60 of such person's conduct or unable to communicate unwillingness to an act, after consenting to
61 the act;

62 (14) "Infraction" has the meaning specified in section 556.021;

63 (15) "Inhabitable structure" has the meaning specified in section 569.010;

64 (16) "Knowingly" has the meaning specified in section 562.016;

65 (17) "Law enforcement officer" means any public servant having both the power and
66 duty to make arrests for violations of the laws of this state, and federal law enforcement officers
67 authorized to carry firearms and to make arrests for violations of the laws of the United States,
68 **excluding any representative of the department of revenue or his or her designee;**

69 (18) "Misdemeanor" has the meaning specified in section 556.016;

70 (19) "Offense" means any felony, misdemeanor or infraction;

71 (20) "Physical injury" means physical pain, illness, or any impairment of physical
72 condition;

73 (21) "Place of confinement" means any building or facility and the grounds thereof
74 wherein a court is legally authorized to order that a person charged with or convicted of a crime
75 be held;

76 (22) "Possess" or "possessed" means having actual or constructive possession of an
77 object with knowledge of its presence. A person has actual possession if such person has the
78 object on his or her person or within easy reach and convenient control. A person has
79 constructive possession if such person has the power and the intention at a given time to exercise
80 dominion or control over the object either directly or through another person or persons.
81 Possession may also be sole or joint. If one person alone has possession of an object, possession
82 is sole. If two or more persons share possession of an object, possession is joint;

83 (23) "Public servant" means any person employed in any way by a government of this
84 state who is compensated by the government by reason of such person's employment, any person
85 appointed to a position with any government of this state, or any person elected to a position with
86 any government of this state. It includes, but is not limited to, legislators, jurors, members of the
87 judiciary and law enforcement officers. It does not include witnesses;

88 (24) "Purposely" has the meaning specified in section 562.016;

89 (25) "Recklessly" has the meaning specified in section 562.016;

90 (26) "Ritual" or "ceremony" means an act or series of acts performed by two or more
91 persons as part of an established or prescribed pattern of activity;

92 (27) "Serious emotional injury", an injury that creates a substantial risk of temporary or
93 permanent medical or psychological damage, manifested by impairment of a behavioral,
94 cognitive or physical condition. Serious emotional injury shall be established by testimony of
95 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
96 medical or psychological certainty;

97 (28) "Serious physical injury" means physical injury that creates a substantial risk of
98 death or that causes serious disfigurement or protracted loss or impairment of the function of any
99 part of the body;

100 (29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse;
101 sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area,
102 buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

103 (30) "Sexual contact" means any touching of the genitals or anus of any person, or the
104 breast of any female person, or any such touching through the clothing, for the purpose of
105 arousing or gratifying sexual desire of any person;

106 (31) "Sexual performance", any performance, or part thereof, which includes sexual
107 conduct by a child who is less than seventeen years of age;

108 (32) "Voluntary act" has the meaning specified in section 562.011.

574.070. 1. As used in this section, the following terms mean:

2 (1) "Civil disorder", any public disturbance involving acts of violence by assemblages
3 of three or more persons, which causes an immediate danger of or results in damage or injury to
4 the property or person of any other individual;

5 (2) "Explosive or incendiary device", includes:

6 (a) Dynamite and all other forms of high explosives;

7 (b) Any explosive bomb, grenade, missile, or similar device; and

8 (c) Any incendiary bomb or grenade, fire bomb, or similar device, including any device
9 which consists of or includes a breakable container containing a flammable liquid or compound
10 and a wick composed of any material which, when ignited, is capable of igniting such flammable
11 liquid or compound, and can be carried or thrown by one individual acting alone;

12 (3) "Firearm", any weapon which is designed to or may readily be converted to expel any
13 projectile by the action of an explosive, or the frame or receiver of any such weapon;

14 (4) "Law enforcement officer", any officer or employee of the United States, any state,
15 any political subdivision of a state, or the District of Columbia. The term "law enforcement
16 officer" shall specifically include, but shall not be limited to, members of the National Guard,
17 as defined in section 101(9) of title 10, United States Code, and members of the organized militia
18 of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District
19 of Columbia, not included within the definition of National Guard as defined by section 101(9)
20 of title 10, United States Code, and members of the Armed Forces of the United States, **but shall**
21 **exclude any representative of the department of revenue or his or her designee.**

22 2. Whoever teaches or demonstrates to any other person the use, application, or
23 construction of any firearm, explosive, or incendiary device capable of causing injury or death
24 to any person, knowing or intending that such firearm, explosive, or incendiary device be used
25 in furtherance of a civil disorder, is guilty of the crime of promoting civil disorder in the first
26 degree.

27 3. Nothing contained in this section shall be construed to prohibit the training or teaching
28 of the use of weapons for law enforcement purposes, hunting, recreation, competition, or other
29 lawful uses and activities.

30 4. Promoting civil disorder in the first degree is a class C felony.

590.010. As used in this chapter, the following terms mean:

2 (1) "Commission", when not obviously referring to the POST commission, means a grant
3 of authority to act as a peace officer;

4 (2) "Director", the director of the Missouri department of public safety or his or her
5 designated agent or representative;

6 (3) "Peace officer", a law enforcement officer of the state or any political subdivision of
7 the state with the power of arrest for a violation of the criminal code or declared or deemed to
8 be a peace officer by state statute, **excluding any representative of the department of revenue**
9 **or his or her designee;**

10 (4) "POST commission", the peace officer standards and training commission;

11 (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours
12 per week.

595.010. 1. As used in sections 595.010 to 595.075, unless the context requires
2 otherwise, the following terms shall mean:

3 (1) "Child", a dependent, unmarried person who is under eighteen years of age and
4 includes a posthumous child, stepchild, or an adopted child;

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family, of
6 a victim eligible for compensation pursuant to sections 595.010 to 595.075;

7 (3) "Conservator", a person or corporation appointed by a court to have the care and
8 custody of the estate of a minor or a disabled person, including a limited conservator;

9 (4) "Counseling", problem-solving and support concerning emotional issues that result
10 from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential
11 service provided either on an individual basis or in a group. Counseling has as a primary purpose
12 to enhance, protect and restore a person's sense of well-being and social functioning after
13 victimization. Counseling does not include victim advocacy services such as crisis telephone
14 counseling, attendance at medical procedures, law enforcement interviews or criminal justice
15 proceedings;

16 (5) "Crime", an act committed in this state which, if committed by a mentally competent,
17 criminally responsible person who had no legal exemption or defense, would constitute a crime;
18 provided that, such act involves the application of force or violence or the threat of force or
19 violence by the offender upon the victim but shall include the crime of driving while intoxicated,
20 vehicular manslaughter and hit and run; and provided, further, that no act involving the operation
21 of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run
22 which results in injury to another shall constitute a crime for the purpose of sections 595.010 to
23 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A
24 crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has
25 been committed outside of the United States against a resident of Missouri;

26 (6) "Crisis intervention counseling", helping to reduce psychological trauma where
27 victimization occurs;

28 (7) "Department", the department of public safety;

29 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,
30 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially
31 dependent for support upon, and living with, but shall include children entitled to child support
32 but not living with, the victim at the time of his injury or death due to a crime alleged in a claim
33 pursuant to sections 595.010 to 595.075;

34 (9) "Direct service", providing physical services to a victim of crime including, but not
35 limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter,
36 notification and information;

37 (10) "Director", the director of public safety of this state or a person designated by him
38 for the purposes of sections 595.010 to 595.075;

39 (11) "Disabled person", one who is unable by reason of any physical or mental condition
40 to receive and evaluate information or to communicate decisions to such an extent that the
41 person lacks ability to manage his financial resources, including a partially disabled person who
42 lacks the ability, in part, to manage his financial resources;

43 (12) "Emergency service", those services provided within thirty days to alleviate the
44 immediate effects of the criminal act or offense, and may include cash grants of not more than
45 one hundred dollars;

46 (13) "Earnings", net income or net wages;

47 (14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild,
48 brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

49 (15) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen
50 method of interment, including plot or tomb and other necessary incidents to the disposition of
51 the remains;

52 (16) "Gainful employment", engaging on a regular and continuous basis, up to the date
53 of the incident upon which the claim is based, in a lawful activity from which a person derives
54 a livelihood;

55 (17) "Guardian", one appointed by a court to have the care and custody of the person of
56 a minor or of an incapacitated person, including a limited guardian;

57 (18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined
58 in section 577.060;

59 (19) "Incapacitated person", one who is unable by reason of any physical or mental
60 condition to receive and evaluate information or to communicate decisions to such an extent that
61 he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care
62 such that serious physical injury, illness, or disease is likely to occur, including a partially
63 incapacitated person who lacks the capacity to meet, in part, such essential requirements;

64 (20) "Injured victim", a person:

65 (a) Killed or receiving a personal physical injury in this state as a result of another
66 person's commission of or attempt to commit any crime;

67 (b) Killed or receiving a personal physical injury in this state while in a good faith
68 attempt to assist a person against whom a crime is being perpetrated or attempted;

69 (c) Killed or receiving a personal physical injury in this state while assisting a law
70 enforcement officer in the apprehension of a person who the officer has reason to believe has
71 perpetrated or attempted a crime;

72 (21) "Law enforcement official", a sheriff and his regular deputies, municipal police
73 officer or member of the Missouri state highway patrol and such other persons as may be
74 designated by law as peace officers, **excluding any representative of the department of**
75 **revenue or his or her designee;**

76 (22) "Offender", a person who commits a crime;

77 (23) "Personal physical injury", actual bodily harm only with respect to the victim.
78 Personal physical injury may include mental or nervous shock resulting from the specific
79 incident upon which the claim is based;

80 (24) "Private agency", a not-for-profit corporation, in good standing in this state, which
81 provides services to victims of crime and their dependents;

82 (25) "Public agency", a part of any local or state government organization which
83 provides services to victims of crime;

84 (26) "Relative", the spouse of the victim or a person related to the victim within the third
85 degree of consanguinity or affinity as calculated according to civil law;

86 (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the
87 deceased victim of the victim's household at the time of the crime;

88 (28) "Victim", a person who suffers personal physical injury or death as a direct result
89 of a crime, as defined in subdivision (5) of this subsection;

90 (29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire
91 services from existing community resources.

92 2. As used in sections 565.024 and 565.060 and sections 595.010 to 595.075, the term
93 "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and
94 577.012, and any county or municipal
95 ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

650.451. As they appear in sections 650.450 to 650.460, the following words and terms
2 shall mean:

3 (1) "Act", the public safety officer medal of valor act of 2004;

4 (2) "Board", the medal of valor review board as established by section 650.457;

5 (3) "Medal", a Missouri public safety medal of valor, which shall be of suitable design
6 as may be determined by the governor;

7 (4) "Public safety officer", a person serving a public agency, with or without
8 compensation, as a firefighter, law enforcement officer, or emergency personnel, **excluding any**
9 **representative of the department of revenue or his or her designee.** The term "law
10 enforcement officer" includes a person who is a state or local corrections or court officer or a
11 civil defense officer.

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