

FIRST REGULAR SESSION

HOUSE BILL NO. 230

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SOMMER (Sponsor), WOOD AND BERRY (Co-sponsors).

0745L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 575.150 and 590.050, RSMo, and to enact in lieu thereof three new sections relating to dangerous vehicular flight, with penalty provisions.

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

Section A. Sections 575.150 and 590.050, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 571.016, 575.150, and 590.050, to read as
3 follows:

571.016. 1. Any person who commits any misdemeanor or felony offense and then
2 flees the scene of the offense, in a vehicle, in such a manner that the person fleeing the scene
3 creates a substantial risk of serious physical injury or death to any person is also guilty of
4 the crime of dangerous vehicular flight and, upon conviction, shall be punished by
5 imprisonment by the department of corrections for a term of years not less than three
6 years. The punishment imposed under this subsection shall be in addition to any
7 punishment provided by law for the crime committed at the scene of the offense from
8 which the person is fleeing. No person convicted under this subsection shall be eligible for
9 parole, probation, conditional release or suspended imposition or execution of sentence for
10 a period of three calendar years.

11 2. Any person convicted of a second offense of dangerous vehicular flight shall be
12 punished by imprisonment by the department of corrections for a term of not less than five
13 years. The punishment imposed under this subsection shall be in addition to any
14 punishment provided by law for the crime committed at the scene from which the person
15 is fleeing. No person convicted under this subsection shall be eligible for parole, probation,

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.

16 conditional release or suspended imposition or execution of sentence for a period of five
17 calendar years.

18 **3. Any person convicted of a third or subsequent offense of dangerous vehicular**
19 **flight shall be punished by imprisonment by the department of corrections for a term of**
20 **not less than ten years. The punishment imposed under this subsection shall be in addition**
21 **to any punishment provided by law for the crime committed at the scene from which the**
22 **person is fleeing. No person convicted under this subsection shall be eligible for parole,**
23 **probation, conditional release or suspended imposition or execution of sentence for a**
24 **period of ten calendar years.**

575.150. 1. A person commits the crime of resisting or interfering with arrest, detention,
2 or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully
3 detain or stop an individual or vehicle, or the person reasonably should know that a law
4 enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an
5 individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or
6 detention, the person:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use of
8 violence or physical force or by fleeing from such officer; or

9 (2) Interferes with the arrest, stop or detention of another person by using or threatening
10 the use of violence, physical force or physical interference.

11 2. This section applies to:

12 (1) Arrests, stops, or detentions, with or without warrants;

13 (2) Arrests, stops, or detentions, for any crime, infraction, or ordinance violation; and

14 (3) Arrests for warrants issued by a court or a probation and parole officer.

15 3. A person is presumed to be fleeing a vehicle stop if that person continues to operate
16 a motor vehicle after that person has seen or should have seen clearly visible emergency lights
17 or has heard or should have heard an audible signal emanating from the law enforcement vehicle
18 pursuing that person.

19 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
20 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section
21 shall be construed to bar civil suits for unlawful arrest.

22 **5. Except as provided in subsections 6 and 7 of this section, resisting or interfering**
23 **with an arrest, detention, or stop in violation of subdivision (1) or (2) of subsection 1 of this**
24 **section is a class A misdemeanor.**

25 **6. Resisting or interfering with an arrest is a class D felony for an arrest for a:**

26 (1) Felony;

27 (2) Warrant issued for failure to appear on a felony case; or

28 (3) Warrant issued for a probation violation on a felony case.

29 7. Resisting an arrest, detention or stop by fleeing **in a vehicle** in such a manner that the
30 person fleeing creates a substantial risk of serious physical injury or death to any person is a class
31 D felony[; otherwise, resisting or interfering with an arrest, detention or stop in violation of
32 subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor]. **Resisting an**
33 **arrest, detention, or stop by fleeing in a vehicle when such flight results in serious physical**
34 **injury or death to any person is a class C felony. No person punished under this subsection**
35 **shall be eligible for parole, probation, conditional release or suspended imposition or**
36 **execution of sentence for a period of two calendar years.**

590.050. 1. The POST commission shall establish requirements for the continuing
2 education of all peace officers. Peace officers who make traffic stops shall be required to receive
3 three hours of training within the law enforcement continuing education three-year reporting
4 period concerning the prohibition against racial profiling and such training shall promote
5 understanding and respect for racial and cultural differences and the use of effective,
6 noncombative methods for carrying out law enforcement duties in a racially and culturally
7 diverse environment. **All peace officers shall be required to receive three hours of training**
8 **within the law enforcement continuing education three-year reporting period concerning**
9 **how to handle high speed pursuits of offenders who are fleeing the scene of a crime in a**
10 **vehicle in a dangerous manner or who are resisting arrest, detention, or stop by fleeing in**
11 **a vehicle in a dangerous manner.**

12 2. The director shall license continuing education providers and may probate, suspend
13 and revoke such licenses upon written notice stating the reasons for such action. Any person
14 aggrieved by a decision of the director pursuant to this subsection may appeal as provided in
15 chapter 536.

16 3. The costs of continuing law enforcement education shall be reimbursed in part by
17 moneys from the peace officer standards and training commission fund created in section
18 590.178, subject to availability of funds, except that no such funds shall be used for the training
19 of any person not actively commissioned or employed by a county or municipal law enforcement
20 agency.

21 4. The director may engage in any activity intended to further the professionalism of
22 peace officers through training and education, including the provision of specialized training
23 through the department of public safety.

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