

SECOND REGULAR SESSION

# HOUSE BILL NO. 2635

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHARP (36).

5630H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to detention on arrest without a warrant.

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

Section A. Section 544.170, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.170, to read as follows:

544.170. 1. All persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty-four hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense.

2. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

3. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.

**4. Notwithstanding the provisions of subsection 1 of this section to the contrary, all persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for a criminal offense involving a dangerous felony or deadly weapon as defined in section 556.061, or on suspicion thereof, shall be**

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.

18 **discharged from said custody within forty-eight hours from the time of such arrest, unless**  
19 **they shall be charged with a criminal offense by the oath of some credible person, and be**  
20 **held by warrant to answer to such offense.**

✓