

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 852

AN ACT

To repeal sections 84.340, 105.935, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.243, 300.320, 334.950 and 571.030, RSMo, and to enact in lieu thereof ten new sections relating to public safety, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 84.340, 105.935, 191.630, 191.631,
2 192.800, 192.802, 192.804, 192.806, 192.808, 287.243, 300.320,
3 334.950 and 571.030, RSMo, are repealed and ten new sections
4 enacted in lieu thereof, to be known as sections 44.095, 84.340,
5 105.935, 191.630, 191.631, 287.243, 334.950, 571.030, 590.750,
6 and 632.520, to read as follows:

7 44.095. 1. As used in this section, the following terms
8 mean:

9 (1) "Critical incident", an incident that could result in
10 serious physical injury or loss of life;

11 (2) "Kansas border counties", the counties of Johnson,

1 Leavenworth, Miami, and Wyandotte;

2 (3) "Law enforcement mutual aid region", the nine counties
3 of the Kansas City Metropolitan area as identified by the Mid-
4 America Regional Council (MARC). Those counties include Kansas
5 border counties and Missouri border counties as defined in this
6 section;

7 (4) "Missouri border counties", the counties of Platte,
8 Clay, Ray, Jackson and Cass.

9 2. All law enforcement officers in the law enforcement
10 mutual aid region shall be permitted in critical incidents to
11 respond to lawful requests for aid in any other jurisdiction in
12 the law enforcement mutual aid region.

13 3. The on-scene incident commander as defined by the
14 National Incident Management System shall have the authority to
15 make a request for assistance in a critical incident and shall be
16 responsible for on-scene management until command authority is
17 transferred to another person.

18 4. In the event that an officer makes an arrest or
19 apprehension outside his or her home state, the offender shall be
20 delivered to the first officer who is commissioned in the
21 jurisdiction in which the arrest was made.

22 5. For the purposes of liability, all members of any
23 political subdivision or public safety agency responding under
24 operational control of the requesting political subdivision or
25 public safety agency are deemed employees of such responding
26 political subdivision or public safety agency and are subject to
27 the liability and workers' compensation provisions provided to
28 them as employees of their respective political subdivision or

1 public safety agency. Qualified immunity, sovereign immunity,
2 official immunity, and the public duty rule shall apply to the
3 provisions of this section as interpreted by the federal and
4 state courts of the responding agency.

5 6. If the director of the Missouri department of public
6 safety determines that the state of Kansas has enacted
7 legislation or the governor of Kansas has issued an executive
8 order or similar action that permits Kansas border counties to
9 enter into a similar mutual-aid agreement as described under this
10 section, then the director shall execute and deliver to the
11 governor, the speaker of the house of representatives, and the
12 president pro tempore of the senate a written certification of
13 such determination. Upon the execution and delivery of such
14 written certification and the parties receiving such
15 certification providing a unanimous written affirmation, the
16 provisions of this section shall be effective unless otherwise
17 provided by law.

18 7. The director of the Missouri department of public safety
19 shall notify the revisor of statutes of any changes that would
20 render the provisions of this section effective.

21 84.340. Except as provided under section 590.750, the
22 police commissioner of the said cities shall have power to
23 regulate and license all private watchmen, private detectives and
24 private policemen, serving or acting as such in said cities, and
25 no person shall act as such private watchman, private detective
26 or private policeman in said cities without first having obtained
27 the written license of the president or acting president of said
28 police commissioners of the said cities, under pain of being

1 guilty of a misdemeanor.

2 105.935. 1. Any state employee who has accrued any
3 overtime hours may choose to use those hours as compensatory
4 leave time provided that the leave time is available and agreed
5 upon by both the state employee and his or her supervisor.

6 2. A state employee who is a nonexempt employee pursuant to
7 the provisions of the Fair Labor Standards Act shall be eligible
8 for payment of overtime in accordance with subsection ~~[4]~~ 5 of
9 this section. A nonexempt state employee who works on a
10 designated state holiday shall be granted equal compensatory time
11 off duty or shall receive, at his or her choice, the employee's
12 straight time hourly rate in cash payment. A nonexempt state
13 employee shall be paid in cash for overtime unless the employee
14 requests compensatory time off at the applicable overtime rate.
15 As used in this section, the term "state employee" means any
16 person who is employed by the state and earns a salary or wage in
17 a position normally requiring the actual performance by him or
18 her of duties on behalf of the state, but shall not include any
19 employee who is exempt under the provisions of the Fair Labor
20 Standards Act or any employee of the general assembly.

21 3. Beginning on January 1, 2006, and annually thereafter
22 each department shall pay all nonexempt state employees in full
23 for any overtime hours accrued during the previous calendar year
24 which have not already been paid or used in the form of
25 compensatory leave time. All nonexempt state employees shall
26 have the option of retaining up to a total of eighty compensatory
27 time hours.

28 4. Missouri department of corrections employees classified

1 as a corrections officer I or a corrections officer II who have
2 accrued any overtime hours may choose to use those hours as
3 compensatory leave time, provided that the leave time is
4 available and agreed on by such employee and his or her
5 supervisor. Compensatory time shall be considered accrued on
6 completion of time worked in excess of such employee's normal
7 assigned shift and it will be the employee's decision whether to
8 take the time off or request payment for such hours. All
9 employees classified as a corrections officer I or a corrections
10 officer II shall have the right to retain up to eighty hours of
11 compensatory time at any time during the year.

12 [4.] 5. The provisions of subsection 2 of this section
13 shall only apply to nonexempt state employees who are otherwise
14 eligible for compensatory time under the Fair Labor Standards
15 Act, excluding employees of the general assembly. Any nonexempt
16 state employee requesting cash payment for overtime worked shall
17 notify such employee's department in writing of such decision and
18 state the number of hours, no less than twenty, for which payment
19 is desired. The department shall pay the employee within the
20 calendar month following the month in which a valid request is
21 made. Nothing in this section shall be construed as creating a
22 new compensatory benefit for state employees.

23 [5.] 6. Each department shall, by November first of each
24 year, notify the commissioner of administration, the house budget
25 committee chair, and the senate appropriations committee chair of
26 the amount of overtime paid in the previous fiscal year and an
27 estimate of overtime to be paid in the current fiscal year. The
28 fiscal year estimate for overtime pay to be paid by each

1 department shall be designated as a separate line item in the
2 appropriations bill for that department. The provisions of this
3 subsection shall become effective July 1, 2005.

4 [6.] 7. Each state department shall report quarterly to the
5 house of representatives budget committee chair, the senate
6 appropriations committee chair, and the commissioner of
7 administration the cumulative number of accrued overtime hours
8 for department employees, the dollar equivalent of such overtime
9 hours, the number of authorized full-time equivalent positions
10 and vacant positions, the amount of funds for any vacant
11 positions which will be used to pay overtime compensation for
12 employees with full-time equivalent positions, and the current
13 balance in the department's personal service fund.

14 [7.] 8. This section is applicable to overtime earned under
15 the Fair Labor Standards Act. This section is applicable to
16 employees who are employed in nonexempt positions providing
17 direct client care or custody in facilities operating on a
18 twenty-four-hour seven-day-a-week basis in the department of
19 corrections, the department of mental health, the division of
20 youth services of the department of social services, and the
21 veterans commission of the department of public safety.

22 191.630. As used in sections 191.630 and 191.631, the
23 following terms mean:

24 (1) ["Care provider", a person who is employed as an
25 emergency medical care provider, firefighter, or police officer;

26 (2) "Contagious or infectious disease", hepatitis in any
27 form and any other communicable disease as defined in section
28 192.800, except AIDS or HIV infection as defined in section

1 191.650, determined to be life-threatening to a person exposed to
2 the disease as established by rules adopted by the department, in
3 accordance with guidelines of the Centers for Disease Control and
4 Prevention of the Department of Health and Human Services]

5 "Communicable disease", acquired immunodeficiency syndrome
6 (AIDS), cutaneous anthrax, hepatitis in any form, human
7 immunodeficiency virus (HIV), measles, meningococcal disease,
8 mumps, pertussis, pneumonic plague, rubella, severe acute
9 respiratory syndrome (SARS-CoV), smallpox, tuberculosis,
10 varicella disease, vaccinia, viral hemorrhagic fevers, and other
11 such diseases as the department may define by rule or regulation;

12 (2) "Communicable disease tests", tests designed for
13 detection of communicable diseases. Rapid testing of the source
14 patient in accordance with the Occupational Safety and Health
15 Administration (OSHA) enforcement of the Centers for Disease
16 Control and Prevention (CDC) guidelines shall be recommended;

17 (3) "Coroner or medical examiner", the same meaning as
18 defined in chapter 58;

19 [(3)] (4) "Department", the Missouri department of health
20 and senior services;

21 [(4)] (5) "Designated infection control officer", the
22 person or persons within the entity or agency who are responsible
23 for managing the infection control program and for coordinating
24 efforts surrounding the investigation of an exposure such as:

25 (a) Collecting, upon request, facts surrounding possible
26 exposure of an emergency care provider or Good Samaritan to a
27 communicable disease;

28 (b) Contacting facilities that receive patients or clients

1 of potentially exposed emergency care providers or Good
2 Samaritans to ascertain if a determination has been made as to
3 whether the patient or client has had a communicable disease and
4 to ascertain the results of that determination; and

5 (c) Notifying the emergency care provider or Good Samaritan
6 as to whether there is reason for concern regarding possible
7 exposure;

8 (6) "Emergency [medical] care provider", a person who is
9 serving as a licensed or certified person trained to provide
10 emergency and nonemergency medical care as a first responder,
11 emergency responder, EMT-B, EMT-I, or EMT-P as defined in section
12 190.100, firefighter, law enforcement officer, sheriff, deputy
13 sheriff, registered nurse, physician, medical helicopter pilot,
14 or other certification or licensure levels adopted by rule of the
15 department;

16 [(5)] (7) "Exposure", a specific eye, mouth, other mucous
17 membrane, nonintact skin, or parenteral contact with blood or
18 other potentially infectious materials that results from the
19 performance of an employee's duties;

20 [(6) "HIV", the same meaning as defined in section 191.650;

21 [(7)] (8) "Good Samaritan", any person who renders emergency
22 medical assistance or aid within his or her level of training or
23 skill until such time as he or she is relieved of those duties by
24 an emergency care provider;

25 (9) "Hospital", the same meaning as defined in section
26 197.020;

27 (10) "Source patient", any person who is sick or injured
28 and requiring the care or services of a Good Samaritan or

1 emergency care provider, for whose blood or other potentially
2 infectious materials have resulted in exposure.

3 191.631. 1. (1) Notwithstanding any other law to the
4 contrary, if [a] an emergency care provider or a Good Samaritan
5 sustains an exposure from a person while rendering emergency
6 health care services, the person to whom the emergency care
7 provider or Good Samaritan was exposed is deemed to consent to a
8 test to determine if the person has a [contagious or infectious]
9 communicable disease and is deemed to consent to notification of
10 the emergency care provider or the Good Samaritan of the results
11 of the test, upon submission of an exposure report by the
12 emergency care provider or the Good Samaritan to the hospital
13 where the person is delivered by the emergency care provider.

14 (2) The hospital where the [person] source patient is
15 delivered shall conduct the test. The sample and test results
16 shall only be identified by a number and shall not otherwise
17 identify the person tested.

18 (3) A hospital shall have written policies and procedures
19 for notification of [a] an emergency care provider or Good
20 Samaritan pursuant to this section. The hospital shall include
21 local representation of designated infection control officers
22 during the process to develop or review such policies. The
23 policies shall be substantially the same as those in place for
24 notification of hospital employees. The policies and procedures
25 shall include designation of a representative of the emergency
26 care provider to whom notification shall be provided and who
27 shall, in turn, notify the emergency care provider. The identity
28 of the designated [representative] local infection control

1 officer of the emergency care provider shall not be disclosed to
2 the [person] source patient tested. The designated
3 [representative] local infection control officer shall inform the
4 hospital of those parties who receive the notification, and
5 following receipt of such information and upon request of the
6 person tested, the hospital shall inform the person of the
7 parties to whom notification was provided.

8 (4) A coroner and medical examiner shall have written
9 policies and procedures for notification of an emergency care
10 provider and Good Samaritan pursuant to this section. The
11 coroner or medical examiner shall include local representation of
12 a designated infection control officer during the process to
13 develop or review such policies. The policies shall be
14 substantially the same as those in place for notification of
15 coroner or medical examiner employees. The policies and
16 procedures shall include designation of a representative of the
17 emergency care providers to whom notification shall be provided
18 and who shall, in turn, notify the emergency care provider. The
19 identity of the designated local infection control officer of the
20 emergency care provider shall not be disclosed to the source
21 patient tested. The designated local infection control officer
22 shall inform the coroner or medical examiner of those parties who
23 receive the notification, and following receipt of such
24 information and upon request of the person tested, the coroner or
25 medical examiner shall inform the person of the parties to whom
26 notification was provided.

27 2. If a person tested is diagnosed or confirmed as having a
28 [contagious or infectious] communicable disease pursuant to this

1 section, the hospital, coroner, or medical examiner shall notify
2 the emergency care provider, Good Samaritan or the designated
3 **[representative]** local infection control officer of the emergency
4 care provider who shall then notify the care provider.

5 3. The notification to the emergency care provider or the
6 Good Samaritan shall advise the emergency care provider or the
7 Good Samaritan of possible exposure to a particular **[contagious**
8 **or infectious]** communicable disease and recommend that the
9 emergency care provider or Good Samaritan seek medical attention.

10 The notification shall be provided as soon as is reasonably
11 possible following determination that the individual has a
12 **[contagious or infectious]** communicable disease. The
13 notification shall not include the name of the person tested for
14 the **[contagious or infectious]** communicable disease unless the
15 person consents. If the emergency care provider or Good
16 Samaritan who sustained an exposure determines the identity of
17 the person diagnosed or confirmed as having a **[contagious or**
18 **infectious]** communicable disease, the identity of the person
19 shall be confidential information and shall not be disclosed by
20 the emergency care provider or the Good Samaritan to any other
21 individual unless a specific written release is obtained by the
22 person diagnosed with or confirmed as having a **[contagious or**
23 **infectious]** communicable disease.

24 4. This section does not require or permit, unless
25 otherwise provided, a hospital to administer a test for the
26 express purpose of determining the presence of a **[contagious or**
27 **infectious]** communicable disease; except that testing may be
28 performed if the person consents and if the requirements of this

1 section are satisfied.

2 5. This section does not preclude a hospital, coroner, or
3 medical examiner from providing notification to [a] an emergency
4 care provider or Good Samaritan under circumstances in which the
5 hospital's, coroner's, or medical examiner's policy provides for
6 notification of the hospital's, coroner's, or medical examiner's
7 own employees of exposure to a [contagious or infectious]
8 communicable disease that is not life-threatening if the notice
9 does not reveal a patient's name, unless the patient consents.

10 6. A hospital, coroner, or medical examiner participating
11 in good faith in complying with the provisions of this section is
12 immune from any liability, civil or criminal, which may otherwise
13 be incurred or imposed.

14 7. A hospital's duty of notification pursuant to this
15 section is not continuing but is limited to diagnosis of a
16 [contagious or infectious] communicable disease made in the
17 course of admission, care, and treatment following the rendering
18 of health care services to which notification pursuant to this
19 section applies.

20 8. A hospital, coroner, or medical examiner that performs a
21 test in compliance with this section or that fails to perform a
22 test authorized pursuant to this section is immune from any
23 liability, civil or criminal, which may otherwise be incurred or
24 imposed.

25 9. [A hospital has no duty to perform the test authorized.

26 10.] The department shall adopt rules to implement this
27 section. The department may determine by rule the [contagious or
28 infectious] communicable diseases for which testing is reasonable

1 and appropriate and which may be administered pursuant to this
2 section. No rule or portion of a rule promulgated under the
3 authority of this section shall become effective unless it has
4 been promulgated pursuant to chapter 536.

5 [11.] 10. The [employer of a] agency which employs or
6 sponsors the emergency care provider who sustained an exposure
7 pursuant to this section shall pay the costs of testing for the
8 person who is the source of the exposure and of the testing of
9 the emergency care provider if the exposure was sustained during
10 the course of [employment] the provider's expected duties.

11 11. All emergency care providers shall respond to and treat
12 any patient regardless of the status of the patient's HIV or
13 other communicable disease infection.

14 12. Ambulance services and emergency medical response
15 agencies licensed under chapter 190 shall establish and maintain
16 local policies and provide training regarding exposure of
17 personnel to patient blood and body fluids as well as general
18 protection from communicable diseases. The training provided and
19 the policies established shall be in substantial compliance with
20 the appropriate CDC and OSHA guidelines.

21 13. Hospitals, long-term care facilities licensed under
22 chapter 198, and other medical facilities and practitioners who
23 transfer patients known to have a communicable disease or to be
24 subject to an order of quarantine or an order of isolation shall
25 notify the emergency care providers who are providing the
26 transportation services of the potential risk of exposure to a
27 communicable disease, including communicable diseases of a public
28 health threat.

1 14. The department shall promulgate regulations regarding
2 all of the following:

3 (1) The type of exposure that would prompt notification of
4 the emergency care provider or Good Samaritan, which shall cover,
5 at a minimum, methods of potential transmission of any diseases
6 designated under P.L. 101-381 or diseases additionally identified
7 from the department's list of communicable diseases;

8 (2) The process to be used by the emergency care provider,
9 Good Samaritan, licensed facility, coroner, medical examiner, and
10 designated infection control officer for the reports required by
11 this section, the process to be used to evaluate requests
12 received from emergency care providers and Good Samaritans, and
13 for informing emergency care providers and Good Samaritans as to
14 their obligations to maintain the confidentiality of information
15 received; and

16 (3) The method by which emergency care providers and Good
17 Samaritans shall be provided information and advice in a timely
18 manner related to the risk of infection from communicable
19 diseases as a result of aid or medical care.

20 287.243. 1. This section shall be known and may be cited
21 as the "Line of Duty Compensation Act".

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

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

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

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

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

20 (5) "Killed in the line of duty", when [a] any person
21 defined in this section loses [one's] his or her life [as a
22 result of an injury received in the active performance of his or
23 her duties within the ordinary scope of his or her respective
24 profession while the individual is on duty and but for the
25 individual's performance, death would have not occurred] when:

26 (a) Death is caused by an accident or the willful act of
27 violence of another;

28 (b) The law enforcement officer, emergency medical

1 technician, air ambulance pilot, air ambulance registered
2 professional nurse, or firefighter is in the active performance
3 of his or her duties in his or her respective profession and
4 there is a relationship between the accident or commission of the
5 act of violence and the performance of the duty, even if the
6 individual is off duty; the law enforcement officer, emergency
7 medical technician, air ambulance pilot, air ambulance registered
8 professional nurse, or firefighter is traveling to or from
9 employment; or the law enforcement officer, emergency medical
10 technician, air ambulance pilot, air ambulance registered
11 professional nurse, or firefighter is taking any meal break or
12 other break which takes place while that individual is on duty;

13 (c) Death is the natural and probable consequence of the
14 injury; and

15 (d) Death occurs within three hundred weeks from the date
16 the injury was received.

17
18 The term excludes death resulting from the willful misconduct or
19 intoxication of the law enforcement officer, emergency medical
20 technician, air ambulance pilot, air ambulance registered
21 professional nurse, or firefighter. The division of workers'
22 compensation shall have the burden of proving such willful
23 misconduct or intoxication;

24 (6) "Law enforcement officer", any person employed by the
25 state or a local governmental entity as a police officer, peace
26 officer certified under chapter 590, or serving as an auxiliary
27 police officer or in some like position involving the enforcement
28 of the law and protection of the public interest at the risk of

1 that person's life;

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

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

10 (9) "Volunteer firefighter", a person having principal
11 employment other than as a firefighter, but who is carried on the
12 rolls of a regularly constituted fire department either for the
13 purpose of the prevention or control of fire or the underwater
14 recovery of drowning victims, the members of which are under the
15 jurisdiction of the corporate authorities of a city, village,
16 incorporated town, or fire protection district. Volunteer
17 firefighter shall not mean an individual who volunteers
18 assistance without being regularly enrolled as a firefighter.

19 3. (1) A claim for compensation under this section shall
20 be filed by the estate of the deceased with the division of
21 workers' compensation not later than one year from the date of
22 death of a law enforcement officer, emergency medical technician,
23 air ambulance pilot, air ambulance registered professional nurse,
24 or firefighter. If a claim is made within one year of the date
25 of death of a law enforcement officer, emergency medical
26 technician, air ambulance pilot, air ambulance registered
27 professional nurse, or firefighter killed in the line of duty,
28 compensation shall be paid, if the division finds that the

1 claimant is entitled to compensation under this section.

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

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

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

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

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

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

18

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

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

26 6. Neither employers nor workers' compensation insurers
27 shall have subrogation rights against any compensation awarded
28 for claims under this section. Such compensation shall not be

1 assignable, shall be exempt from attachment, garnishment, and
2 execution, and shall not be subject to setoff or counterclaim, or
3 be in any way liable for any debt, except that the division or
4 commission may allow as lien on the compensation, reasonable
5 attorney's fees for services in connection with the proceedings
6 for compensation if the services are found to be necessary. Such
7 fees are subject to regulation as set forth in section 287.260.

8 7. Any person seeking compensation under this section who
9 is aggrieved by the decision of the division of workers'
10 compensation regarding his or her compensation claim, may make
11 application for a hearing as provided in section 287.450. The
12 procedures applicable to the processing of such hearings and
13 determinations shall be those established by this chapter.
14 Decisions of the administrative law judge under this section
15 shall be binding, subject to review by either party under the
16 provisions of section 287.480.

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

18 (1) The provisions of the new program authorized under this
19 section shall automatically sunset six years after June 19,
20 [2009] 2019, unless reauthorized by an act of the general
21 assembly; and

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

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

28 9. The provisions of this section, unless specified, shall

1 not be subject to other provisions of this chapter.

2 10. There is hereby created in the state treasury the "Line
3 of Duty Compensation Fund", which shall consist of moneys
4 appropriated to the fund and any voluntary contributions, gifts,
5 or bequests to the fund. The state treasurer shall be custodian
6 of the fund and shall approve disbursements from the fund in
7 accordance with sections 30.170 and 30.180. Upon appropriation,
8 money in the fund shall be used solely for paying claims under
9 this section. Notwithstanding the provisions of section 33.080
10 to the contrary, any moneys remaining in the fund at the end of
11 the biennium shall not revert to the credit of the general
12 revenue fund. The state treasurer shall invest moneys in the
13 fund in the same manner as other funds are invested. Any
14 interest and moneys earned on such investments shall be credited
15 to the fund.

16 11. The division shall promulgate rules to administer this
17 section, including but not limited to the appointment of claims
18 to multiple claimants, record retention, and procedures for
19 information requests. Any rule or portion of a rule, as that
20 term is defined in section 536.010, that is created under the
21 authority delegated in this section shall become effective only
22 if it complies with and is subject to all of the provisions of
23 chapter 536 and, if applicable, section 536.028. This section
24 and chapter 536 are nonseverable and if any of the powers vested
25 with the general assembly under chapter 536 to review, to delay
26 the effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after June 19, 2009,

1 shall be invalid and void.

2 334.950. 1. As used in this section, the following terms
3 shall mean:

4 (1) "Child abuse medical resource centers", medical
5 institutions affiliated with accredited children's hospitals or
6 recognized institutions of higher education with accredited
7 medical school programs that provide training, support,
8 mentoring, and peer review to SAFE CARE providers in Missouri;

9 (2) "SAFE CARE provider", a physician, advanced practice
10 nurse, or physician's assistant licensed in this state who
11 provides medical diagnosis and treatment to children suspected of
12 being victims of abuse and who receives:

13 (a) Missouri-based initial intensive training regarding
14 child maltreatment from the SAFE CARE network;

15 (b) Ongoing update training on child maltreatment from the
16 SAFE CARE network;

17 (c) Peer review and new provider mentoring regarding the
18 forensic evaluation of children suspected of being victims of
19 abuse from the SAFE CARE network;

20 (3) "Sexual assault forensic examination child abuse
21 resource education network" or "SAFE CARE network", a network of
22 SAFE CARE providers and child abuse medical resource centers that
23 collaborate to provide forensic evaluations, medical training,
24 support, mentoring, and peer review for SAFE CARE providers for
25 the medical evaluation of child abuse victims in this state to
26 improve outcomes for children who are victims of or at risk for
27 child maltreatment by enhancing the skills and role of the
28 medical provider in a multidisciplinary context.

1 2. Child abuse medical resource centers may collaborate
2 directly or through the use of technology with SAFE CARE
3 providers to promote improved services to children who are
4 suspected victims of abuse that will need to have a forensic
5 medical evaluation conducted by providing specialized training
6 for forensic medical evaluations for children conducted in a
7 hospital, child advocacy center, or by a private health care
8 professional without the need for a collaborative agreement
9 between the child abuse medical resource center and a SAFE CARE
10 provider.

11 3. SAFE CARE providers who are a part of the SAFE CARE
12 network in Missouri may collaborate directly or through the use
13 of technology with other SAFE CARE providers and child abuse
14 medical resource centers to promote improved services to children
15 who are suspected victims of abuse that will need to have a
16 forensic medical evaluation conducted by providing specialized
17 training for forensic medical evaluations for children conducted
18 in a hospital, child advocacy center, or by a private health care
19 professional without the need for a collaborative agreement
20 between the child abuse medical resource center and a SAFE CARE
21 provider.

22 4. The SAFE CARE network shall develop recommendations
23 concerning medically based screening processes and forensic
24 evidence collection for children who may be in need of an
25 emergency examination following an alleged sexual assault. Such
26 recommendations shall be provided to the SAFE CARE providers,
27 child advocacy centers, hospitals and licensed practitioners that
28 provide emergency examinations for children suspected of being

1 victims of abuse.

2 5. The department of public safety shall establish rules
3 and make payments to SAFE CARE providers, out of appropriations
4 made for that purpose, who provide forensic examinations of
5 persons under eighteen years of age who are alleged victims of
6 physical abuse.

7 6. The department shall establish maximum reimbursement
8 rates for charges submitted under this section, which shall
9 reflect the reasonable cost of providing the forensic exam.

10 7. The department shall only reimburse providers for
11 forensic evaluations and case reviews. The department shall not
12 reimburse providers for medical procedures, facility fees,
13 supplies or laboratory/radiology tests.

14 8. In order for the department to provide reimbursement,
15 the child shall be the subject of a child abuse investigation or
16 reported to the children's division as a result of the
17 examination.

18 9. A minor may consent to examination under this section.
19 Such consent is not subject to disaffirmance because of the
20 individual's status as a minor, and the consent of a parent or
21 guardian of the minor is not required for such examination.

22 571.030. 1. A person commits the crime of unlawful use of
23 weapons if he or she knowingly:

24 (1) Carries concealed upon or about his or her person a
25 knife, a firearm, a blackjack or any other weapon readily capable
26 of lethal use; or

27 (2) Sets a spring gun; or

28 (3) Discharges or shoots a firearm into a dwelling house, a

1 railroad train, boat, aircraft, or motor vehicle as defined in
2 section 302.010, or any building or structure used for the
3 assembling of people; or

4 (4) Exhibits, in the presence of one or more persons, any
5 weapon readily capable of lethal use in an angry or threatening
6 manner; or

7 (5) Has a firearm or projectile weapon readily capable of
8 lethal use on his or her person, while he or she is intoxicated,
9 and handles or otherwise uses such firearm or projectile weapon
10 in either a negligent or unlawful manner or discharges such
11 firearm or projectile weapon unless acting in self-defense; or

12 (6) Discharges a firearm within one hundred yards of any
13 occupied schoolhouse, courthouse, or church building; or

14 (7) Discharges or shoots a firearm at a mark, at any
15 object, or at random, on, along or across a public highway or
16 discharges or shoots a firearm into any outbuilding; or

17 (8) Carries a firearm or any other weapon readily capable
18 of lethal use into any church or place where people have
19 assembled for worship, or into any election precinct on any
20 election day, or into any building owned or occupied by any
21 agency of the federal government, state government, or political
22 subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor
24 vehicle, as defined in section 301.010, discharges or shoots a
25 firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully
27 acting in self-defense; or

28 (10) Carries a firearm, whether loaded or unloaded, or any

1 other weapon readily capable of lethal use into any school, onto
2 any school bus, or onto the premises of any function or activity
3 sponsored or sanctioned by school officials or the district
4 school board.

5 2. Subdivisions (1), (8), and (10) of subsection 1 of this
6 section shall not apply to the persons described in this
7 subsection, regardless of whether such uses are reasonably
8 associated with or are necessary to the fulfillment of such
9 person's official duties except as otherwise provided in this
10 subsection. Subdivisions (3), (4), (6), (7), and (9) of
11 subsection 1 of this section shall not apply to or affect any of
12 the following persons, when such uses are reasonably associated
13 with or are necessary to the fulfillment of such person's
14 official duties, except as otherwise provided in this subsection:

15 (1) All state, county and municipal peace officers who have
16 completed the training required by the police officer standards
17 and training commission pursuant to sections 590.030 to 590.050
18 and who possess the duty and power of arrest for violation of the
19 general criminal laws of the state or for violation of ordinances
20 of counties or municipalities of the state, whether such officers
21 are on or off duty, and whether such officers are within or
22 outside of the law enforcement agency's jurisdiction, or all
23 qualified retired peace officers, as defined in subsection 11 of
24 this section, and who carry the identification defined in
25 subsection 12 of this section, or any person summoned by such
26 officers to assist in making arrests or preserving the peace
27 while actually engaged in assisting such officer;

28 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the detention of
2 persons accused or convicted of crime;

3 (3) Members of the Armed Forces or National Guard while
4 performing their official duty;

5 (4) Those persons vested by article V, section 1 of the
6 Constitution of Missouri with the judicial power of the state and
7 those persons vested by Article III of the Constitution of the
8 United States with the judicial power of the United States, the
9 members of the federal judiciary;

10 (5) Any person whose bona fide duty is to execute process,
11 civil or criminal;

12 (6) Any federal probation officer or federal flight deck
13 officer as defined under the federal flight deck officer program,
14 49 U.S.C. Section 44921 regardless of whether such officers are
15 on duty, or within the law enforcement agency's jurisdiction;

16 (7) Any state probation or parole officer, including
17 supervisors and members of the board of probation and parole;

18 (8) Any corporate security advisor meeting the definition
19 and fulfilling the requirements of the regulations established by
20 the [board of police commissioners under section 84.340]
21 department of public safety under section 590.750;

22 (9) Any coroner, deputy coroner, medical examiner, or
23 assistant medical examiner;

24 (10) Any prosecuting attorney or assistant prosecuting
25 attorney or any circuit attorney or assistant circuit attorney
26 who has completed the firearms safety training course required
27 under subsection 2 of section 571.111;

28 (11) Any member of a fire department or fire protection

1 district who is employed on a full-time basis as a fire
2 investigator and who has a valid concealed carry endorsement
3 issued prior to August 28, 2013, or a valid concealed carry
4 permit under section 571.111 when such uses are reasonably
5 associated with or are necessary to the fulfillment of such
6 person's official duties; and

7 (12) Upon the written approval of the governing body of a
8 fire department or fire protection district, any paid fire
9 department or fire protection district chief who is employed on a
10 full-time basis and who has a valid concealed carry endorsement,
11 when such uses are reasonably associated with or are necessary to
12 the fulfillment of such person's official duties.

13 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of
14 this section do not apply when the actor is transporting such
15 weapons in a nonfunctioning state or in an unloaded state when
16 ammunition is not readily accessible or when such weapons are not
17 readily accessible. Subdivision (1) of subsection 1 of this
18 section does not apply to any person twenty-one years of age or
19 older or eighteen years of age or older and a member of the
20 United States Armed Forces, or honorably discharged from the
21 United States Armed Forces, transporting a concealable firearm in
22 the passenger compartment of a motor vehicle, so long as such
23 concealable firearm is otherwise lawfully possessed, nor when the
24 actor is also in possession of an exposed firearm or projectile
25 weapon for the lawful pursuit of game, or is in his or her
26 dwelling unit or upon premises over which the actor has
27 possession, authority or control, or is traveling in a continuous
28 journey peaceably through this state. Subdivision (10) of

1 subsection 1 of this section does not apply if the firearm is
2 otherwise lawfully possessed by a person while traversing school
3 premises for the purposes of transporting a student to or from
4 school, or possessed by an adult for the purposes of facilitation
5 of a school-sanctioned firearm-related event or club event.

6 4. Subdivisions (1), (8), and (10) of subsection 1 of this
7 section shall not apply to any person who has a valid concealed
8 carry permit issued pursuant to sections 571.101 to 571.121, a
9 valid concealed carry endorsement issued before August 28, 2013,
10 or a valid permit or endorsement to carry concealed firearms
11 issued by another state or political subdivision of another
12 state.

13 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)
14 of subsection 1 of this section shall not apply to persons who
15 are engaged in a lawful act of defense pursuant to section
16 563.031.

17 6. Notwithstanding any provision of this section to the
18 contrary, the state shall not prohibit any state employee from
19 having a firearm in the employee's vehicle on the state's
20 property provided that the vehicle is locked and the firearm is
21 not visible. This subsection shall only apply to the state as an
22 employer when the state employee's vehicle is on property owned
23 or leased by the state and the state employee is conducting
24 activities within the scope of his or her employment. For the
25 purposes of this subsection, "state employee" means an employee
26 of the executive, legislative, or judicial branch of the
27 government of the state of Missouri.

28 7. Nothing in this section shall make it unlawful for a

1 student to actually participate in school-sanctioned gun safety
2 courses, student military or ROTC courses, or other
3 school-sponsored or club-sponsored firearm-related events,
4 provided the student does not carry a firearm or other weapon
5 readily capable of lethal use into any school, onto any school
6 bus, or onto the premises of any other function or activity
7 sponsored or sanctioned by school officials or the district
8 school board.

9 8. Unlawful use of weapons is a class D felony unless
10 committed pursuant to subdivision (6), (7), or (8) of subsection
11 1 of this section, in which cases it is a class B misdemeanor, or
12 subdivision (5) or (10) of subsection 1 of this section, in which
13 case it is a class A misdemeanor if the firearm is unloaded and a
14 class D felony if the firearm is loaded, or subdivision (9) of
15 subsection 1 of this section, in which case it is a class B
16 felony, except that if the violation of subdivision (9) of
17 subsection 1 of this section results in injury or death to
18 another person, it is a class A felony.

19 9. Violations of subdivision (9) of subsection 1 of this
20 section shall be punished as follows:

21 (1) For the first violation a person shall be sentenced to
22 the maximum authorized term of imprisonment for a class B felony;

23 (2) For any violation by a prior offender as defined in
24 section 558.016, a person shall be sentenced to the maximum
25 authorized term of imprisonment for a class B felony without the
26 possibility of parole, probation or conditional release for a
27 term of ten years;

28 (3) For any violation by a persistent offender as defined

1 in section 558.016, a person shall be sentenced to the maximum
2 authorized term of imprisonment for a class B felony without the
3 possibility of parole, probation, or conditional release;

4 (4) For any violation which results in injury or death to
5 another person, a person shall be sentenced to an authorized
6 disposition for a class A felony.

7 10. Any person knowingly aiding or abetting any other
8 person in the violation of subdivision (9) of subsection 1 of
9 this section shall be subject to the same penalty as that
10 prescribed by this section for violations by other persons.

11 11. Notwithstanding any other provision of law, no person
12 who pleads guilty to or is found guilty of a felony violation of
13 subsection 1 of this section shall receive a suspended imposition
14 of sentence if such person has previously received a suspended
15 imposition of sentence for any other firearms- or weapons-related
16 felony offense.

17 12. As used in this section "qualified retired peace
18 officer" means an individual who:

19 (1) Retired in good standing from service with a public
20 agency as a peace officer, other than for reasons of mental
21 instability;

22 (2) Before such retirement, was authorized by law to engage
23 in or supervise the prevention, detection, investigation, or
24 prosecution of, or the incarceration of any person for, any
25 violation of law, and had statutory powers of arrest;

26 (3) Before such retirement, was regularly employed as a
27 peace officer for an aggregate of fifteen years or more, or
28 retired from service with such agency, after completing any

1 applicable probationary period of such service, due to a
2 service-connected disability, as determined by such agency;

3 (4) Has a nonforfeitable right to benefits under the
4 retirement plan of the agency if such a plan is available;

5 (5) During the most recent twelve-month period, has met, at
6 the expense of the individual, the standards for training and
7 qualification for active peace officers to carry firearms;

8 (6) Is not under the influence of alcohol or another
9 intoxicating or hallucinatory drug or substance; and

10 (7) Is not prohibited by federal law from receiving a
11 firearm.

12 13. The identification required by subdivision (1) of
13 subsection 2 of this section is:

14 (1) A photographic identification issued by the agency from
15 which the individual retired from service as a peace officer that
16 indicates that the individual has, not less recently than one
17 year before the date the individual is carrying the concealed
18 firearm, been tested or otherwise found by the agency to meet the
19 standards established by the agency for training and
20 qualification for active peace officers to carry a firearm of the
21 same type as the concealed firearm; or

22 (2) A photographic identification issued by the agency from
23 which the individual retired from service as a peace officer; and

24 (3) A certification issued by the state in which the
25 individual resides that indicates that the individual has, not
26 less recently than one year before the date the individual is
27 carrying the concealed firearm, been tested or otherwise found by
28 the state to meet the standards established by the state for

1 training and qualification for active peace officers to carry a
2 firearm of the same type as the concealed firearm.

3 590.750. 1. The department of public safety shall have the
4 sole authority to regulate and license all corporate security
5 advisors. The authority and jurisdiction of a corporate security
6 advisor shall be limited only by the geographical limits of the
7 state, unless the corporate security advisor's license is
8 recognized by the laws or regulations of another state or the
9 federal government.

10 2. Acting as a corporate security advisor without a license
11 from the department of public safety is a class A misdemeanor.

12 3. The director may promulgate rules to implement the
13 provisions of this section under chapter 536 and section 590.190.

14 4. Any corporate security advisor licensed as of February
15 1, 2014, shall not be required to apply for a new license from
16 the department until the advisor's license expires or is
17 otherwise revoked.

18 632.520. 1. For purposes of this section, the following
19 terms mean:

20 (1) "Employee of the department of mental health", a person
21 who is an employee of the department of mental health, an
22 employee or contracted employee of a subcontractor of the
23 department of mental health, or an employee or contracted
24 employee of a subcontractor of an entity responsible for
25 confining offenders as authorized by section 632.495;

26 (2) "Offender", a person ordered to the department of
27 mental health after a determination by the court that the person
28 meets the definition of a sexually violent predator, a person

1 ordered to the department of mental health after a finding of
2 probable cause under section 632.489, or a person committed for
3 control, care, and treatment by the department of mental health
4 under sections 632.480 to 632.513;

5 (3) "Secure facility", a facility operated by the
6 department of mental health or an entity responsible for
7 confining offenders as authorized by section 632.495.

8 2. No offender shall knowingly commit violence to an
9 employee of the department of mental health or to another
10 offender housed in a secure facility. Violation of this
11 subsection shall be a class B felony.

12 3. No offender shall knowingly damage any building or other
13 property owned or operated by the department of mental health.
14 Violation of this subsection shall be a class C felony.

15
16 [192.800. As used in this section, the following
17 terms mean:

18 (1) "Communicable disease", an illness due to an
19 infectious agent or its toxic products and transmitted
20 directly or indirectly to a susceptible host from an
21 infected person, animal or arthropod or through the
22 agency of an intermediate host or a vector or through
23 the inanimate environment;

24 (2) "Designated officer", an employee of the
25 department or a city or county health officer, or
26 designee, located in or employed by appropriate
27 agencies serving geographical regions and appointed by
28 the director of the department of health and senior
29 services, whose duties consist of:

30 (a) Collecting, upon request, facts surrounding
31 possible exposure of a first responder or Good
32 Samaritan to a communicable disease or infection;

33 (b) Contacting facilities that receive patients
34 or clients of potentially exposed first responders or
35 Good Samaritans to ascertain if a determination has
36 been made as to whether the patient or client has had a
37 communicable disease or infection and to ascertain the
38 results of that determination; and

39 (c) Notifying the first responder or Good
40 Samaritan as to whether or not there is reason for

1 concern regarding possible exposure;

2 (3) "First responder", any person trained and
3 authorized by law or rule to render emergency medical
4 assistance or treatment. Such persons may include, but
5 shall not be limited to, emergency first responders,
6 police officers, sheriffs, deputy sheriffs,
7 firefighters, ambulance attendants and attendant
8 drivers, emergency medical technicians, mobile
9 emergency medical technicians, emergency medical
10 technician-paramedics, registered nurses or physicians;

11 (4) "Good Samaritan", any person who renders
12 emergency medical assistance or aid until such time as
13 relieved of these duties by a first responder;

14 (5) "Licensed facility", a facility licensed
15 under chapter 197 or a state medical facility.]
16

17 [192.802. The department of health and senior
18 services shall ensure that first responders or Good
19 Samaritans are notified if there is reason to believe
20 an exposure has occurred which may present a
21 significant risk of a communicable disease as a result
22 of attending or transporting a patient to a licensed
23 facility. At the request of any first responder, the
24 licensed facility shall notify any such first responder
25 and at the request of any Good Samaritan, the
26 designated officer shall notify such Good Samaritan.
27 Notification will be made as soon as practicable, but
28 not later than forty-eight hours, to the department of
29 health and senior services or a designated officer.]
30

31 [192.804. 1. First responders or Good Samaritans
32 who attended or transported a patient who believe that
33 they may have received an exposure which may present a
34 significant risk of a communicable disease by a patient
35 may provide a written request concerning the suspected
36 exposure to either the licensed facility that received
37 the patient or the designated officer, detailing the
38 nature of the alleged exposure. The form shall inform
39 the first responder or Good Samaritan, in bold print,
40 of the provisions of subsections 1 and 6 of section
41 191.656 regarding confidentiality and consequences of
42 violation of confidentiality provisions. The first
43 responder or Good Samaritan shall be given a copy of
44 the request form.

45 2. If the licensed facility, designated officer,
46 coroner or medical examiner makes a determination that
47 there was an exposure to a communicable disease, the
48 report to the first responder or Good Samaritan shall
49 provide the name of the communicable disease involved,
50 the date on which the patient was assisted or
51 transported, and any advice or information about the

1 communicable disease as provided by rule by the
2 department of health and senior services and shall, in
3 addition, inform the first responder or the Good
4 Samaritan of the provisions of subsections 1 and 6 of
5 section 191.656 regarding confidentiality and
6 consequences of violation of confidentiality
7 provisions. This section shall not be construed to
8 authorize the disclosure of any identifying information
9 with respect to the patient, first responder or Good
10 Samaritan.]

11
12 [192.806. 1. The department of health and senior
13 services shall promulgate regulations, pursuant to the
14 provisions of section 192.006 and chapter 536,
15 concerning:

16 (1) The type of exposure that would prompt
17 notification of the first responder or Good Samaritan,
18 which shall cover at a minimum, methods of potential
19 transmission of any diseases designated under P.L.
20 101-381 or diseases additionally identified from the
21 department of health and senior services' list of
22 communicable diseases;

23 (2) The process to be used by the first
24 responder, Good Samaritan, licensed facility, coroner,
25 medical examiner and designated officer for the reports
26 required by this section, the process to be used to
27 evaluate requests received from first responders and
28 Good Samaritans, and for informing first responders and
29 Good Samaritans as to their obligations to maintain the
30 confidentiality of information received;

31 (3) The method by which first responders and Good
32 Samaritans shall be provided information and advice in
33 a timely manner related to the risk of infection from
34 communicable diseases as a result of provision of aid
35 or medical care;

36 (4) The need for employers of first responders to
37 provide training to employees regarding the use of
38 universal precautions.

39 2. All licensed facilities, medical examiners,
40 coroners, first responders and Good Samaritans shall be
41 required to comply with the regulations promulgated
42 pursuant to sections 192.800 to 192.808.]

43
44 [192.808. 1. Sections 192.800 to 192.808 shall
45 not be construed to authorize or require a licensed
46 facility to test any patient for any communicable
47 disease, nor shall mandatory testing of any person be
48 required, except as provided for in sections 191.659,
49 191.662 and 191.674.

50 2. All emergency response employees are required
51 to respond to and treat any patient regardless of HIV

1 or other communicable disease infection.

2 3. Sections 192.800 to 192.808 shall not be
3 construed to require or permit the department of health
4 and senior services or its designated officers to
5 collect information concerning HIV infection in a form
6 that permits the identity of the patient to be
7 determined, except as otherwise provided by law.]
8

9 [300.320. A funeral composed of a procession of
10 vehicles shall be identified as such by the display
11 upon the outside of each vehicle of a pennant or other
12 identifying insignia or by such other method as may be
13 determined and designated by the traffic division.]
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23 _____
Eric Schmitt

Shawn Rhoads