

FIRST REGULAR SESSION

SENATE BILL NO. 328

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

0042S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 544.157, RSMo, and to enact in lieu thereof one new section relating to powers of arrest.

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

Section A. Section 544.157, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 544.157,
3 to read as follows:

544.157. 1. Any law enforcement officer certified
2 pursuant to chapter 590 of any political subdivision of this
3 state, any authorized agent of the department of
4 conservation, any commissioned member of the Missouri
5 capitol police, **any public school district security officer**,
6 any college or university police officer, and any
7 commissioned member of the Missouri state park rangers in
8 fresh pursuit of a person who is reasonably believed by such
9 officer to have committed a felony in this state or who has
10 committed, or attempted to commit, in the presence of such
11 officer or agent, any criminal offense or violation of a
12 municipal or county ordinance, or for whom such officer
13 holds a warrant of arrest for a criminal offense, shall have
14 the authority to arrest and hold in custody such person
15 anywhere in this state. Fresh pursuit may only be initiated
16 from within the pursuing peace officer's, **school district**
17 **security officer's**, conservation agent's, capitol police
18 officer's, college or university police officer's, or state

19 park ranger's jurisdiction and shall be terminated once the
20 pursuing peace officer is outside of such officer's
21 jurisdiction and has lost contact with the person being
22 pursued. If the offense is a traffic violation, the uniform
23 traffic ticket shall be used as if the violator had been
24 apprehended in the municipality or county in which the
25 offense occurred.

26 2. If such an arrest is made in obedience to a
27 warrant, the disposition of the prisoner shall be made as in
28 other cases of arrest under a warrant; if the violator is
29 served with a uniform traffic ticket, the violator shall be
30 directed to appear before a court having jurisdiction to try
31 the offense; if the arrest is without a warrant, the
32 prisoner shall be taken forthwith before a judge of a court
33 with original criminal jurisdiction in the county wherein
34 such arrest was made or before a municipal judge thereof
35 having original jurisdiction to try such offense, who may
36 release the person as provided in section 544.455,
37 conditioned upon such person's appearance before the court
38 having jurisdiction to try the offense. The person so
39 arrested need not be taken before a judge as herein set out
40 if given a summons by the arresting officer.

41 3. The term "fresh pursuit", as used in this section,
42 shall include hot or fresh pursuit as defined by the common
43 law and also the pursuit of a person who has committed a
44 felony or is reasonably suspected of having committed a
45 felony in this state, or who has committed or attempted to
46 commit in this state a criminal offense or violation of
47 municipal or county ordinance in the presence of the
48 arresting officer referred to in subsection 1 of this
49 section or for whom such officer holds a warrant of arrest
50 for a criminal offense. It shall include also the pursuit

51 of a person suspected of having committed a supposed felony
52 in this state, though no felony has actually been committed,
53 if there is reasonable ground for so believing. "Fresh
54 pursuit" as used herein shall imply instant pursuit.

55 4. A public agency electing to institute vehicular
56 pursuits shall adopt a policy for the safe conduct of
57 vehicular pursuits by peace officers. Such policy shall
58 meet the following minimum standards:

59 (1) There shall be supervisory control of the pursuit;

60 (2) There shall be procedures for designating the
61 primary pursuit vehicle and for determining the total number
62 of vehicles to be permitted to participate at one time in
63 the pursuit;

64 (3) There shall be procedures for coordinating
65 operation with other jurisdictions; and

66 (4) There shall be guidelines for determining when the
67 interests of public safety and effective law enforcement
68 justify a vehicular pursuit and when a vehicular pursuit
69 should not be initiated or should be terminated.

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