

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1342

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS (161).

3198H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 575.180, RSMo, and to enact in lieu thereof one new section relating to the offense of failure to execute an arrest warrant, with penalty provisions.

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

Section A. Section 575.180, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.180, to read as follows:

575.180. 1. A law enforcement officer commits the offense of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he or she fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he or she is authorized and required by law to execute. **For purposes of this section, "escape" means to flee from; to avoid; to get away, as to flee to avoid arrest.**

2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.

3. **It shall be an affirmative defense to prosecution under this section that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under chapter 301, 302, 304, or 307 or a misdemeanor traffic offense in another state; except that, the provisions of this subsection shall not apply to the following offenses:**

- (1) Failure to drive in a careful and prudent manner under section 304.012;**
- (2) Driving with a cancelled, suspended, or revoked license under section 302.321;**
- (3) Operating a motor vehicle without a proper license under section 302.020; or**

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 **(4) Any offense committed in another state that is comparable to the offenses listed**
19 **under subdivisions (1), (2), and (3) of this subsection.**

✓