

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1355

99TH GENERAL ASSEMBLY

---

Reported from the Committee on Transportation, Infrastructure and Public Safety, April 5, 2018, with recommendation that the Senate Committee Substitute do pass.

4829S.02C

ADRIANE D. CROUSE, Secretary.

---

## AN ACT

To repeal sections 43.505, 57.117, 221.050, 302.176, 488.5320, and 513.653, RSMo, and to enact in lieu thereof twelve new sections relating to public safety, with an effective date for a certain section, with penalty provisions.

---

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

Section A. Sections 43.505, 57.117, 221.050, 302.176, 488.5320, and  
2 513.653, RSMo, are repealed and twelve new sections enacted in lieu thereof, to  
3 be known as sections 43.505, 44.091, 44.098, 57.117, 221.050, 273.450, 302.025,  
4 302.176, 488.5320, 513.653, 590.210, and 590.1040, to read as follows:

43.505. 1. The department of public safety is hereby designated as the  
2 central repository for the collection, maintenance, analysis and reporting of crime  
3 incident activity generated by law enforcement agencies in this state. The  
4 department shall develop and operate a uniform crime reporting system that is  
5 compatible with the national uniform crime reporting system operated by the  
6 Federal Bureau of Investigation.

7 2. The department of public safety shall:

8 (1) Develop, operate and maintain an information system for the  
9 collection, storage, maintenance, analysis and retrieval of crime incident and  
10 arrest reports from Missouri law enforcement agencies;

11 (2) Compile the statistical data and forward such data as required to the  
12 Federal Bureau of Investigation or the appropriate Department of Justice agency  
13 in accordance with the standards and procedures of the national system;

14 (3) Provide the forms, formats, procedures, standards and related training  
15 or training assistance to all law enforcement agencies in the state as necessary  
16 for such agencies to report incident and arrest activity for timely inclusion into

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 the statewide system;

18 (4) Annually publish a report on the nature and extent of crime and  
19 submit such report to the governor and the general assembly. Such report and  
20 other statistical reports shall be made available to state and local law  
21 enforcement agencies and the general public through an electronic or manual  
22 medium;

23 (5) Maintain the privacy and security of information in accordance with  
24 applicable state and federal laws, regulations and orders; and

25 (6) Establish such rules and regulations as are necessary for  
26 implementing the provisions of this section. Any rule or portion of a rule, as that  
27 term is defined in section 536.010, that is created under the authority delegated  
28 in this section shall become effective only if it complies with and is subject to all  
29 of the provisions of chapter 536 and, if applicable, section 536.028. This section  
30 and chapter 536 are nonseverable and if any of the powers vested with the  
31 general assembly pursuant to chapter 536 to review, to delay the effective date  
32 or to disapprove and annul a rule are subsequently held unconstitutional, then  
33 the grant of rulemaking authority and any rule proposed or adopted after August  
34 28, 2000, shall be invalid and void.

35 3. Every law enforcement agency in the state shall:

36 (1) Submit crime incident reports to the department of public safety on  
37 forms or in the format prescribed by the department; and

38 (2) Submit any other crime incident information which may be required  
39 by the department of public safety.

40 4. Any law enforcement agency that violates this section **after December**  
41 **31, 2021**, may be ineligible to receive state or federal funds which would  
42 otherwise be paid to such agency for law enforcement, safety or criminal justice  
43 purposes.

**44.091. 1. For purposes of this section, the following terms mean:**

2 (1) "Law enforcement officer", any public servant having both the  
3 power and duty to make arrests for violations of any ordinance or law  
4 of this state, and any federal law enforcement officer authorized to  
5 carry firearms and to make arrests for violations of the laws of the  
6 United States;

7 (2) "Requesting entity", any law enforcement agency or entity  
8 within this state empowered by law to maintain a law enforcement  
9 agency;

10           **(3) "Sending agency", a law enforcement agency that has been**  
11 **requested to provide assistance by a requesting entity.**

12           **2. Whenever any law enforcement agency enters into a mutual**  
13 **aid arrangement or agreement with another entity as provided in**  
14 **subsection 44.090, any law enforcement officer assisting the requesting**  
15 **entity shall have the same powers of arrest as he or she has in his or**  
16 **her own jurisdiction and the same powers of arrest as officers of the**  
17 **requesting entity. Such powers shall be limited to the location where**  
18 **such services are requested to be provided, for the duration of the**  
19 **specific event, and while acting under the direction of the requesting**  
20 **entity's chief law enforcement officer or his or her designee.**

21           **3. Any law enforcement officer assisting a requesting entity**  
22 **under a mutual aid arrangement or agreement under section 44.090**  
23 **shall be deemed an employee of the sending agency and shall be subject**  
24 **to the workers' compensation, overtime, and expense reimbursement**  
25 **provisions provided to him or her as an employee of the sending**  
26 **agency.**

27           **4. Any law enforcement officer assisting a requesting entity**  
28 **under a mutual aid arrangement or agreement under section 44.090**  
29 **shall enjoy the same legal immunities as an officer of the requesting**  
30 **entity, including sovereign immunity, official immunity, and the public**  
31 **duty doctrine.**

32           **5. Nothing in this section shall be construed to limit the powers**  
33 **of arrest provided to a law enforcement officer by any other law.**

**44.098. 1. As used in this section, the following terms mean:**

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

4           **(2) "Kansas border county", the county of Cherokee;**

5           **(3) "Law enforcement mutual aid region", the counties of Jasper**  
6 **and Newton, including the Joplin metropolitan area, and the Kansas**  
7 **border county and Oklahoma border counties as defined in this section;**

8           **(4) "Missouri border counties", the counties of Jasper and**  
9 **Newton;**

10           **(5) "Oklahoma border counties", the counties of Ottawa and**  
11 **Delaware.**

12           **2. All law enforcement officers in the law enforcement mutual**  
13 **aid region shall be permitted in critical incidents to respond to lawful**

14 requests for aid in any other jurisdiction in the law enforcement  
15 mutual aid region.

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

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

25       5. For the purposes of liability, all members of any political  
26 subdivision or public safety agency responding under operational  
27 control of the requesting political subdivision or public safety agency  
28 are deemed employees of such responding political subdivision or  
29 public safety agency and are subject to the liability and workers'  
30 compensation provisions provided to them as employees of their  
31 respective political subdivision or public safety agency. Qualified  
32 immunity, sovereign immunity, official immunity, and the public duty  
33 rule shall apply to the provisions of this section as interpreted by the  
34 federal and state courts of the responding agency.

35       6. If the director of the Missouri department of public safety  
36 determines that the state of Kansas has enacted legislation or the  
37 governor of Kansas has issued an executive order or similar action that  
38 permits the Kansas border county to enter into a similar mutual-aid  
39 agreement as described under this section, then the director shall  
40 execute and deliver to the governor, the speaker of the house of  
41 representatives, and the president pro tempore of the senate a written  
42 certification of such determination. Upon the execution and delivery  
43 of such written certification and the parties receiving such  
44 certification providing a unanimous written affirmation, the provisions  
45 of this section shall be effective unless otherwise provided by law.

46       7. If the director of the Missouri department of public safety  
47 determines that the state of Oklahoma has enacted legislation or the  
48 governor of Oklahoma has issued an executive order or similar action  
49 that permits Oklahoma border counties to enter into a similar  
50 mutual-aid agreement as described under this section, then the director

51 shall execute and deliver to the governor, the speaker of the house of  
52 representatives, and the president pro tempore of the senate a written  
53 certification of such determination. Upon the execution and delivery  
54 of such written certification and the parties receiving such  
55 certification providing a unanimous written affirmation, the provisions  
56 of this section shall be effective unless otherwise provided by law.

57 8. The director of the Missouri department of public safety shall  
58 notify the revisor of statutes of any changes that would render the  
59 provisions of this section effective.

57.117. Hereafter no sheriff in this state shall appoint any under sheriff  
2 or deputy sheriff [except] **unless** the person so appointed shall be, at the time of  
3 his **or her** appointment, a bona fide resident of [the] **this** state **or of an**  
4 **adjoining state**.

221.050. Persons confined in jails shall be separated and confined  
2 according to sex. Persons confined under civil process or for civil causes shall be  
3 kept separate from criminals. **Nothing in this section shall be construed to**  
4 **prohibit the housing of persons on probation or parole with offenders**  
5 **or persons being held on criminal charges.**

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

3 (1) "Peace officer", the same as defined in section 590.010;

4 (2) "Train" or "training", the process of bringing a person to a  
5 desired standard of proficiency by practice and instruction.

6 2. (1) Each individual, or organization on behalf of a group of  
7 individuals, seeking to train peace officers in responding to animal  
8 neglect and abuse incident reports shall, on an annual basis, submit all  
9 training materials, including any general guidebooks and state law  
10 specific handouts or inserts, relating to animal care to the state  
11 veterinarian for review and approval to ensure that such materials do  
12 not contradict, or are not intentionally misleading, in regards to the  
13 provisions relating to animals under chapters 267 to 273.

14 (2) Each individual, or organization on behalf of a group of  
15 individuals, seeking to train peace officers in responding to animal  
16 neglect and abuse incident reports shall, on an annual basis, submit all  
17 training materials, including any general guidebooks and state law  
18 specific handouts or inserts, relating to criminal offenses involving  
19 animals to the department of public safety for review and approval to

20 ensure that such materials do not contradict, or are not intentionally  
21 misleading, in regards to the provisions of chapter 578.

22 (3) The state veterinarian and the department of public safety  
23 shall review submitted materials within fourteen calendar days, and  
24 either approve or disapprove such materials. If such materials are  
25 disapproved, the respective entity shall notify the individual or  
26 organization, in writing, of the deficiencies of the materials. If the  
27 individual or organization disagrees with the state veterinarian or the  
28 department of public safety, such individual or organization may  
29 appeal such decision to the director of the department of agriculture  
30 and the director of the department of public safety, respectively. If  
31 such individual or organization does make such appeal, they shall be  
32 issued a temporary fourteen day certification by the respective  
33 entity. The director shall review such individual's or organization's  
34 materials within fourteen days and notify the individual or  
35 organization of the director's final decision. Or, if the individual or  
36 organization does not appeal such decision, they may cure such  
37 deficiencies and resubmit such materials for review. If the state  
38 veterinarian or department of public safety do not review the  
39 submitted materials and notify the individual or organization within  
40 fourteen calendar days, such materials shall be deemed approved by  
41 the respective entity.

42 (4) Upon approving an individual's materials, or an  
43 organization's materials on behalf of a group of individuals, the entity  
44 that approved the materials shall issue the individual or organization  
45 a certification stating that such materials have been reviewed and  
46 approved, and are in uniformity with certain provisions of state law.

47 3. Any individual, or organization on behalf of a group of  
48 individuals, submitting materials to the state veterinarian under  
49 subsection 2 of this section, shall indemnify and hold the state  
50 veterinarian, in his or her official capacity, and the department of  
51 agriculture harmless against all claims, injuries, damages, losses, or  
52 suits as a result of such individual, or organization on behalf of a group  
53 of individuals, modifying such materials after such materials have been  
54 approved, and using such modified materials to train peace officers in  
55 responding to animal care and abuse incident reports.

56 4. No individual, or organization on behalf of a group of

57 individuals, shall engage in the business of training peace officers in  
58 responding to animal neglect and abuse incident reports relating to  
59 animal care if such individual or organization has not obtained a  
60 certification from the state veterinarian ensuring that training  
61 materials are in uniformity with provisions relating to animals under  
62 chapters 267 to 273. No individual, or organization on behalf of a group  
63 of individuals, shall engage in the business of training peace officers in  
64 responding to animal neglect and abuse incident reports relating to  
65 criminal offenses involving animals if such individual or organization  
66 has not obtained a certification from the department of public safety  
67 ensuring that training materials are in uniformity with the provisions  
68 of chapter 578.

69       5. A person commits the offense of unlawful animal care training  
70 if he or she knowingly engages in the business of animal care training  
71 of peace officers, as either an individual or on behalf of an  
72 organization, if such individual is performing such training:

73       (1) Using materials relating to animal care that have not been  
74 certified or temporarily certified by the state veterinarian for being in  
75 uniformity with chapters 267 and 273; or

76       (2) Using materials relating to criminal offenses involving  
77 animals that have not been certified or temporarily certified by the  
78 department of public safety for being in uniformity with chapter 578.

79       6. The first offense of unlawful animal care training shall be an  
80 infraction. Any second or subsequent offense of unlawful animal care  
81 training is a class D misdemeanor.

82       7. This section shall not apply to individuals or organizations  
83 solely advocating for the enforcement of laws protecting animals or  
84 bringing the existence of such laws to the attention of law enforcement.

85       8. The department of agriculture and the department of public  
86 safety may promulgate rules for administering this section. Any rule  
87 or portion of a rule, as that term is defined in section 536.010 that is  
88 created under the authority delegated in this section shall become  
89 effective only if it complies with and is subject to all of the provisions  
90 of chapter 536, and, if applicable, section 536.028. This section and  
91 chapter 536 are nonseverable and if any of the powers vested with the  
92 general assembly pursuant to chapter 536, to review, to delay the  
93 effective date, or to disapprove and annul a rule are subsequently held

94 **unconstitutional, then the grant of rulemaking authority and any rule**  
95 **proposed or adopted after August 28, 2018, shall be invalid and void.**

**302.025. All driver training programs offered within this state**  
2 **shall include instruction concerning law enforcement procedures for**  
3 **traffic stops, including a demonstration of the proper actions to be**  
4 **taken during a traffic stop and appropriate interactions with law**  
5 **enforcement. Such programs shall also present enrollees with the**  
6 **information provided by the department of revenue pursuant to section**  
7 **302.176. As used in this section, "driver training programs" shall**  
8 **include private drivers' education programs and driver training**  
9 **programs taught by an instructor holding a valid driver education**  
10 **endorsement on a teaching certificate issued by the state department**  
11 **of elementary and secondary education.**

302.176. 1. Upon successful completion of the requirements of this  
2 chapter to obtain a driver's license, all first-time licensees in this state shall  
3 receive information from the department of revenue relating to:

4 (1) The dangers of operating a motor vehicle while in an intoxicated or  
5 drugged condition;

6 (2) Law enforcement procedures for traffic stops, the proper  
7 actions to be taken during a traffic stop, and appropriate interactions  
8 with law enforcement; and

9 (3) A description of drivers' and passengers' constitutional and  
10 other legal rights as they relate to a traffic stop, including but not  
11 limited to, searches and seizures, the right to remain silent, and the  
12 right to an attorney.

13 2. The director of revenue shall, in consultation with the  
14 superintendent of the Missouri state highway patrol and attorney  
15 general of this state, promulgate rules and regulations to administer  
16 the provisions of this section. Any rule or portion of a rule, as that  
17 term is defined in section 536.010 that is created under the authority  
18 delegated in this section shall become effective only if it complies with  
19 and is subject to all of the provisions of chapter 536, and, if applicable,  
20 section 536.028. This section and chapter 536 are nonseverable and if  
21 any of the powers vested with the general assembly pursuant to chapter  
22 536, to review, to delay the effective date, or to disapprove and annul  
23 a rule are subsequently held unconstitutional, then the grant of  
24 rulemaking authority and any rule proposed or adopted after August



25 **28, 2018, shall be invalid and void.**

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed  
2 a charge for their services rendered in criminal cases and in all proceedings for  
3 contempt or attachment, as required by law, the sum of seventy-five dollars for  
4 each felony case or contempt or attachment proceeding, ten dollars for each  
5 misdemeanor case, and six dollars for each infraction, including cases disposed  
6 of by a violations bureau established pursuant to law or supreme court  
7 rule. Such charges shall be charged and collected in the manner provided by  
8 sections 488.010 to 488.020 and shall be payable to the county treasury; except  
9 that, those charges from cases disposed of by a violations bureau shall be  
10 distributed as follows: one-half of the charges collected shall be forwarded and  
11 deposited to the credit of the MODEX fund established in subsection [6] 5 of this  
12 section for the operational cost of the Missouri data exchange (MODEX) system,  
13 and one-half of the charges collected shall be deposited to the credit of the inmate  
14 security fund, established in section 488.5026, of the county or municipal political  
15 subdivision from which the citation originated. If the county or municipal  
16 political subdivision has not established an inmate security fund, all of the funds  
17 shall be deposited in the MODEX fund.

18 2. [Notwithstanding subsection 1 of this section to the contrary, sheriffs,  
19 county marshals, or other officers in any county with a charter form of  
20 government and with more than nine hundred fifty thousand inhabitants or in  
21 any city not within a county shall not be allowed a charge for their services  
22 rendered in cases disposed of by a violations bureau established pursuant to law  
23 or supreme court rule.

24 3.] The sheriff receiving any charge pursuant to subsection 1 of this  
25 section shall reimburse the sheriff of any other county or the City of St. Louis  
26 the sum of three dollars for each pleading, writ, summons, order of court or other  
27 document served in connection with the case or proceeding by the sheriff of the  
28 other county or city, and return made thereof, to the maximum amount of the  
29 total charge received pursuant to subsection 1 of this section.

30 [4.] 3. The charges provided in subsection 1 of this section shall be taxed  
31 as other costs in criminal proceedings immediately upon a plea of guilty or a  
32 finding of guilt of any defendant in any criminal procedure. The clerk shall tax  
33 all the costs in the case against such defendant, which shall be collected and  
34 disbursed as provided by sections 488.010 to 488.020; provided, that no such  
35 charge shall be collected in any proceeding in any court when the proceeding or

36 the defendant has been dismissed by the court; provided further, that all costs,  
37 incident to the issuing and serving of writs of scire facias and of writs of fieri  
38 facias, and of attachments for witnesses of defendant, shall in no case be paid by  
39 the state, but such costs incurred under writs of fieri facias and scire facias shall  
40 be paid by the defendant and such defendant's sureties, and costs for attachments  
41 for witnesses shall be paid by such witnesses.

42 [5.] 4. Mileage shall be reimbursed to sheriffs, county marshals and  
43 guards for all services rendered pursuant to this section at the rate prescribed by  
44 the Internal Revenue Service for allowable expenses for motor vehicle use  
45 expressed as an amount per mile.

46 [6.] 5. (1) There is hereby created in the state treasury the "MODEX  
47 Fund", which shall consist of money collected under subsection 1 of this  
48 section. The fund shall be administered by the peace officers standards and  
49 training commission established in section 590.120. The state treasurer shall be  
50 custodian of the fund. In accordance with sections 30.170 and 30.180, the state  
51 treasurer may approve disbursements. The fund shall be a dedicated fund and,  
52 upon appropriation, money in the fund shall be used solely for the operational  
53 support and expansion of the MODEX system.

54 (2) Notwithstanding the provisions of section 33.080 to the contrary, any  
55 moneys remaining in the fund at the end of the biennium shall not revert to the  
56 credit of the general revenue fund.

57 (3) The state treasurer shall invest moneys in the fund in the same  
58 manner as other funds are invested. Any interest and moneys earned on such  
59 investments shall be credited to the fund.

513.653. 1. Law enforcement agencies involved in using the federal  
2 forfeiture system under federal law shall file a report regarding federal seizures  
3 and the proceeds therefrom. Such report shall be filed annually by [January  
4 thirty-first] **February fifteenth** for the previous calendar year with the  
5 [department of public safety and the] state auditor's office. The report for the  
6 calendar year shall [include the type and value of items seized and turned over  
7 to the federal forfeiture system, the beginning balance as of January first of  
8 federal forfeiture funds or assets previously received and not expended or used,  
9 the proceeds received from the federal government (the equitable sharing  
10 amount), the expenditures resulting from the proceeds received, and the ending  
11 balance as of December thirty-first of federal forfeiture funds or assets on  
12 hand. The department of public safety shall not issue funds to any law

13 enforcement agency that fails to comply with the provisions of this section]  
14 **consist of a copy of the federal form entitled "ACA Form - Equitable**  
15 **Sharing Agreement and Certification" which is identical to the form**  
16 **submitted in that year to the federal government.**

17 2. [Intentional or knowing failure to comply with the reporting  
18 requirement contained in this section shall be a class A misdemeanor, punishable  
19 by a fine of up to one thousand dollars.] **Any law enforcement agency that**  
20 **intentionally or knowingly fails to comply with the reporting**  
21 **requirement contained in this section shall be ineligible to receive state**  
22 **or federal funds which would otherwise be paid to such agency for law**  
23 **enforcement, safety, or criminal justice purposes.**

590.210. **Notwithstanding any other provision of law, any law**  
2 **enforcement agency in this state may supplement such agency's**  
3 **workforce as necessary with qualified retired peace officers as defined**  
4 **in subsection 12 of section 571.030 when a disaster or emergency has**  
5 **been proclaimed by the governor or when there is a national**  
6 **emergency. Retirees assisting law enforcement agencies under the**  
7 **provisions of this section shall be in compliance with the annual**  
8 **firearms training and qualification standards for retired law**  
9 **enforcement officers carrying concealed firearms established by the**  
10 **department of public safety under section 650.030. Any compensation**  
11 **awarded to retirees for service under this section shall be paid by the**  
12 **law enforcement agency.**

590.1040. 1. **For purposes of this section, the following terms**  
2 **mean:**

3 (1) **"Emergency services personnel", any employee or volunteer**  
4 **of an emergency services provider who is engaged in providing or**  
5 **supporting fire fighting, dispatching services, and emergency medical**  
6 **services;**

7 (2) **"Emergency services provider", any public employer that**  
8 **employs persons to provide fire fighting, dispatching services, and**  
9 **emergency medical services;**

10 (3) **"Employee assistance program", a program established by a**  
11 **law enforcement agency or emergency services provider to provide**  
12 **professional counseling or support services to employees of a law**  
13 **enforcement agency, emergency services provider, or a professional**  
14 **mental health provider associated with a peer support team;**

15           (4) "Law enforcement agency", any public agency that employs  
16 law enforcement personnel;

17           (5) "Law enforcement personnel", any person who by virtue of  
18 office or public employment is vested by law with a duty to maintain  
19 public order or to make arrests for violation of the laws of the state of  
20 Missouri or ordinances of any municipality thereof, or with a duty to  
21 maintain or assert custody or supervision over persons accused or  
22 convicted of a crime, while acting within the scope of his or her  
23 authority as an employee or volunteer of a law enforcement agency;

24           (6) "Peer support counseling session", any session conducted by  
25 a peer support specialist that is called or requested in response to a  
26 critical incident or traumatic event involving the personnel of the law  
27 enforcement agency or emergency services provider;

28           (7) "Peer support specialist", a person who:

29           (a) Is designated by a law enforcement agency, emergency  
30 services provider, employee assistance program, or peer support team  
31 leader to lead, moderate, or assist in a peer support counseling session;

32           (b) Is a member of a peer support team; and

33           (c) Has received training in counseling and providing emotional  
34 and moral support to law enforcement officers or emergency services  
35 personnel who have been involved in emotionally traumatic incidents  
36 by reason of his or her employment;

37           (8) "Peer support team", a group of peer support specialists  
38 serving one or more law enforcement providers or emergency services  
39 providers.

40           2. Any communication made by a participant or peer support  
41 specialist in a peer support counseling session, and any oral or written  
42 information conveyed in or as the result of a peer support counseling  
43 session, are confidential and may not be disclosed by any person  
44 participating in the peer support counseling session.

45           3. Any communication relating to a peer support counseling  
46 session that is made between peer support specialists, between peer  
47 support specialists and the supervisors or staff of an employee  
48 assistance program, or between the supervisors or staff of an employee  
49 assistance program, is confidential and may not be disclosed.

50           4. The provisions of this section shall apply only to peer support  
51 counseling sessions conducted by a peer support specialist.

52           **5. The provisions of this section shall apply to all oral**  
53 **communications, notes, records, and reports arising out of a peer**  
54 **support counseling session. Any notes, records, or reports arising out**  
55 **of a peer support counseling session shall not be public records and**  
56 **shall not be subject to the provisions of chapter 610. Nothing in this**  
57 **section limits the discovery or introduction into evidence of knowledge**  
58 **acquired by any law enforcement personnel or emergency services**  
59 **personnel from observation made during the course of employment, or**  
60 **material or information acquired during the course of employment, that**  
61 **is otherwise subject to discovery or introduction into evidence.**

62           **6. The provisions of this section shall not apply to any:**

63           **(1) Threat of suicide or criminal act made by a participant in a**  
64 **peer support counseling session, or any information conveyed in a peer**  
65 **support counseling session relating to a threat of suicide or criminal**  
66 **act;**

67           **(2) Information relating to abuse of spouses, children, or the**  
68 **elderly, or other information that is required to be reported by law;**

69           **(3) Admission of criminal conduct;**

70           **(4) Disclosure of testimony by a participant who received peer**  
71 **support counseling services and expressly consented to such disclosure;**  
72 **or**

73           **(5) Disclosure of testimony by the surviving spouse or executor**  
74 **or administrator of the estate of a deceased participant who received**  
75 **peer support counseling services and such surviving spouse or executor**  
76 **or administrator expressly consented to such disclosure.**

77           **7. The provisions of this section shall not prohibit any**  
78 **communications between peer support specialists who conduct peer**  
79 **support counseling sessions or any communications between peer**  
80 **support specialists and the supervisors or staff of an employee**  
81 **assistance program.**

82           **8. The provisions of this section shall not prohibit**  
83 **communications regarding fitness of an employee for duty between an**  
84 **employee assistance program and an employer.**

          Section B. The enactment of section 273.450 of this act shall become  
2 effective on January 1, 2019.

✓