

SECOND REGULAR SESSION

**HOUSE BILL NO. 1459**

**100TH GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVE SHAUL (113).

3131H.011

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to detention upon arrest, with penalty provisions.

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

Section A. Section 544.170, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.170, to read as follows:

544.170. 1. All persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty-four hours from the time of such arrest, unless **[they]** :

(1) **The person** shall be charged with a criminal offense by the oath of some credible person~~[-]~~ and be held by warrant to answer to such offense; **or**

(2) **The person is reasonably believed to be a danger to himself, herself, or others, in which case the person may be detained for seventy-two hours or until the person is reasonably believed to no longer be a danger, whichever occurs first.**

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

3. Any person:

(1) Who violates the provisions of this section~~[-]~~ by refusing to release any person who is entitled to release pursuant to this section~~[-]~~ or by refusing to permit a confinee to consult with counsel or other persons~~[-]~~ ; or

(2) **Who, with intent to avoid the provisions of this section:**

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           **(a)** Transfers ~~[any such confinees]~~ **a confinee** to the custody or control of another~~[-]~~ or  
19 to another place~~[-]~~ ; or ~~[who]~~

20           **(b)** Falsely charges ~~[such person, with intent to avoid the provisions of this section,]~~ **a**  
21 **confinee** is guilty of a class A misdemeanor.

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