

SECOND REGULAR SESSION

HOUSE BILL NO. 2429

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

6359H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 575.150 and 590.050, RSMo, and to enact in lieu thereof three new sections relating to dangerous vehicular flight, with penalty provisions.

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

Section A. Sections 575.150 and 590.050, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 575.150, 577.062, and 590.050, to read as
3 follows:

575.150. 1. A person commits the offense of resisting or interfering with arrest,
2 detention, or stop if he or she knows or reasonably should know that a law enforcement officer
3 is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the
4 purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

5 (1) Resists the arrest, stop or detention of such person by using or threatening the use of
6 violence or physical force or by fleeing from such officer; or

7 (2) Interferes with the arrest, stop or detention of another person by using or threatening
8 the use of violence, physical force or physical interference.

9 2. This section applies to:

10 (1) Arrests, stops, or detentions, with or without warrants;

11 (2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

12 (3) Arrests for warrants issued by a court or a probation and parole officer.

13 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
14 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has
15 heard or should have heard an audible signal emanating from the law enforcement vehicle
16 pursuing him or her.

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.

17 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
18 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section
19 shall be construed to bar civil suits for unlawful arrest.

20 5. **Except as provided in subsection 6 of this section, resisting or interfering with**
21 **an arrest, detention, or stop in violation of subdivision (1) or (2) of subsection 1 of this**
22 **section is a class A misdemeanor.**

23 6. The offense of resisting or interfering with an arrest is a class E felony for an arrest
24 for a:

- 25 (1) Felony;
26 (2) Warrant issued for failure to appear on a felony case; or
27 (3) Warrant issued for a probation violation on a felony case.
28

29 The offense of resisting an arrest, detention, or stop ~~[in violation of subdivision (1) or (2) of~~
30 ~~subsection 1 of this section is a class A misdemeanor, unless the person]~~ **by fleeing in a vehicle**
31 **in such a manner that the person fleeing** creates a substantial risk of serious physical injury
32 or death to any person~~[-, in which case it]~~ is a class E felony. **Resisting an arrest, detention, or**
33 **stop by fleeing in a vehicle when such flight results in serious physical injury or death to**
34 **any person is a class C felony. No person punished under this subsection shall be eligible**
35 **for parole, probation, conditional release, or suspended imposition or execution of sentence**
36 **for a period of two calendar years.**

577.062. 1. Any person who commits any misdemeanor or felony offense and then
2 flees the scene of the offense in a vehicle and in such a manner that the person fleeing the
3 scene creates a substantial risk of serious physical injury or death to any person is also
4 guilty of the crime of dangerous vehicular flight and, upon conviction, shall be punished
5 by imprisonment for a term of not less than three years. The punishment imposed under
6 this subsection shall be in addition to any punishment provided by law for the crime
7 committed at the scene of the offense from which the person is fleeing. No person convicted
8 under this subsection shall be eligible for parole, probation, conditional release, or
9 suspended imposition or execution of sentence for a period of three calendar years.

10 2. Any person convicted of a second offense of dangerous vehicular flight shall be
11 punished by imprisonment for a term of not less than five years. The punishment imposed
12 under this subsection shall be in addition to any punishment provided by law for the crime
13 committed at the scene from which the person is fleeing. No person convicted under this
14 subsection shall be eligible for parole, probation, conditional release, or suspended
15 imposition or execution of sentence for a period of five calendar years.

16 **3. Any person convicted of a third or subsequent offense of dangerous vehicular**
17 **flight shall be punished by imprisonment for a term of not less than ten years. The**
18 **punishment imposed under this subsection shall be in addition to any punishment provided**
19 **by law for the crime committed at the scene from which the person is fleeing. No person**
20 **convicted under this subsection shall be eligible for parole, probation, conditional release,**
21 **or suspended imposition or execution of sentence for a period of ten calendar years.**

 590.050. 1. The POST commission shall establish requirements for the continuing
2 education of all peace officers. Peace officers who make traffic stops shall be required to receive
3 three hours of training within the law enforcement continuing education three-year reporting
4 period concerning the prohibition against racial profiling and such training shall promote
5 understanding and respect for racial and cultural differences and the use of effective,
6 noncombative methods for carrying out law enforcement duties in a racially and culturally
7 diverse environment. **All peace officers shall be required to receive three hours of training**
8 **within the law enforcement continuing education three-year reporting period concerning**
9 **how to handle high-speed pursuits of offenders who are fleeing the scene of a crime in a**
10 **vehicle in a dangerous manner or who are resisting arrest, detention, or stop by fleeing in**
11 **a vehicle in a dangerous manner.**

12 2. The director shall license continuing education providers and may probate, suspend
13 and revoke such licenses upon written notice stating the reasons for such action. Any person
14 aggrieved by a decision of the director pursuant to this subsection may appeal as provided in
15 chapter 536.

16 3. The costs of continuing law enforcement education shall be reimbursed in part by
17 moneys from the peace officer standards and training commission fund created in section
18 590.178, subject to availability of funds, except that no such funds shall be used for the training
19 of any person not actively commissioned or employed by a county or municipal law enforcement
20 agency.

21 4. The director may engage in any activity intended to further the professionalism of
22 peace officers through training and education, including the provision of specialized training
23 through the department of public safety.

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