

HOUSE BILL NO. 2488

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

4258H.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to public nuisance, with penalty provisions.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.449, to read as follows:

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

- 2 **(1) "Abuse", the infliction of physical, sexual, or emotional harm or injury;**
3 **(2) "Emergency", a sudden or unforeseen situation in which property or human**
4 **life is in jeopardy that requires immediate action and the prompt summoning of aid;**
5 **(3) "Penalize" includes, but is not limited to, the actual or threatened revocation,**
6 **suspension, or nonrenewal of a rental license; the actual or threatened assessment of fines;**
7 **or the actual or threatened eviction or causing the actual or threatened eviction from leased**
8 **premises;**
9 **(4) "Premises", any parcel of property, residential or commercial; a building or**
10 **structure, if any, situated on the property; and any portion of the public way that abuts the**
11 **property if the public way is used in conjunction with the abutting property for the**
12 **commission of illegal activity;**
13 **(5) "Public nuisance", a continuing act or physical condition that is made,**
14 **permitted, allowed, or continued by any person or legal entity, a person's or legal entity's**
15 **agent or servant, or any person or legal entity who aids therein that is detrimental to the**
16 **safety, welfare, or convenience of the inhabitants of a political subdivision or any act or**
17 **condition so designated by statute or ordinance;**

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 **(6) "Victim of a crime", a person who suffers personal physical injury or death as**
19 **a direct result of a crime.**

20 **2. Requests to law enforcement or emergency services for assistance shall not be**
21 **considered a public nuisance.**

22 **3. (1) No political subdivision shall penalize a resident, tenant, or landlord for a**
23 **request to law enforcement or emergency services by or on behalf of a victim of abuse, a**
24 **victim of a crime, or an individual in an emergency, if the contact was made with the**
25 **reasonable belief that intervention or emergency assistance was necessary to prevent the**
26 **perpetration or escalation of, or to respond to, such abuse, crime, or emergency or if the**
27 **intervention or emergency assistance was actually needed in response to such abuse, crime,**
28 **or emergency.**

29 **(2) If a political subdivision enforces or attempts to enforce an ordinance against**
30 **a resident, tenant, or landlord in violation of subdivision 1 of this subsection, the resident,**
31 **tenant, or landlord may bring a civil action for a violation of this section and seek an order**
32 **from a court of competent jurisdiction for any of the following remedies:**

33 **(a) An order requiring the political subdivision to cease and desist the unlawful**
34 **practice;**

35 **(b) Payment of compensatory damages, provided that a resident, tenant, or**
36 **landlord shall make a reasonable effort to mitigate any damages;**

37 **(c) Payment of reasonable attorney's fees;**

38 **(d) Payment of court costs; or**

39 **(e) Other equitable relief including, but not limited to, reinstating a rental license**
40 **or rental permit, as the court may deem appropriate.**

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