

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 804,
2 Page 1, In the Title, Line 8, by deleting the word "criminal"; and

3
4 Further amend said bill, Page 7, Section 304.351, Line 77, by inserting immediately after all of said
5 section and line the following:

6
7 "537.039. 1. Any person whose conduct conforms to the requirements of subsection 2 of
8 this section shall be immune from civil liability for any damages resulting from the forcible entry of
9 a motor vehicle for the purpose of removing a minor from the vehicle.

10 2. The provisions of subsection 1 of this section apply if the person has a good faith belief
11 that forcible entry into the vehicle is necessary because the minor is in imminent danger of suffering
12 harm if not immediately removed from the vehicle and, based upon the circumstances known to the
13 person at the time, the belief is a reasonable one.

14 3. In determining whether the standard set forth in subsection 2 of this section has been met,
15 the factfinder may consider the totality of the circumstances including, but not limited to, whether
16 the person:

17 (1) Determined the vehicle was locked or there was otherwise no reasonable method for the
18 minor to exit the vehicle;

19 (2) Attempted to contact either the local law enforcement agency, the fire department, or a
20 911 operator prior to forcibly entering the vehicle;

21 (3) Placed a notice on the vehicle's windshield with the person's contact information, the
22 reason the entry was made, the location of the minor, and the fact that the authorities have been
23 notified;

24 (4) Remained with the minor in a safe location, out of the elements but reasonably close to
25 the vehicle, until law enforcement, fire, or another emergency responder arrived; and

26 (5) Used no more force to enter the vehicle and remove the minor from the vehicle than was
27 necessary under the circumstances.

28 4. Nothing in this section shall affect the person's civil liability if the person attempts to
29 render aid to the minor in addition to what is authorized by this section."; and

30
31 Further amend said bill, Page 13, Section 578.040, Line 22, by inserting immediately after all of
32 said section and line the following:

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34 "Section B. Because immediate action is necessary to encourage individuals to assist
35 children who are trapped in motor vehicles, the enactment of section 537.039 of section A of this
36 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and

Standing Action Taken _____ Date _____

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1 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the
2 enactment of section 537.039 of section A of this act shall be in full force and effect upon its
3 passage and approval."; and

4
5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.