

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1722

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOSMER AND BRITT (Co-sponsors).

Read 1<sup>st</sup> time January 30, 2002, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time January 31, 2002, and referred to the Committee on Criminal Law, February 14, 2002.

Reported from the Committee on Criminal Law February 28, 2002, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 11, 2002.

TED WEDEL, Chief Clerk

4294L.01P

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### AN ACT

To amend chapter 552, RSMo, by adding thereto one new section relating to criminal procedure involving mentally retarded individuals.

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

Section A. Chapter 552, RSMo, is amended by adding thereto one new section, to be  
2 known as section 552.090, to read as follows:

**552.090. 1. Any other law to the contrary notwithstanding, any information,  
2 evidence, statement or confession obtained during a custodial interrogation of a person  
3 who has mental retardation shall be excluded from introduction at trial as evidence in a  
4 criminal trial unless an attorney was present during the custodial interrogation to  
5 represent the person who has mental retardation.**

**6 2. Any individual who interviews a person with mental retardation for purposes  
7 of criminal or abuse investigations shall immediately, prior to any interrogation, make  
8 reasonable efforts to notify such person's parent, guardian or designated protector.**

**9 3. As used in this section, the term "mental retardation" has the same meaning as  
10 that contained in section 630.005, RSMo.**