

FIRST REGULAR SESSION

HOUSE BILL NO. 140

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRINGER.

Pre-filed December 29, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0667L.011

AN ACT

To repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to detention of persons confined without warrant, with a penalty provision.

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Section A. Section 544.170, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.170, to read as follows: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. Except as provided in subsection 2 of this section, 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] **twenty-four** hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense.

2. Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any of the following offenses without warrant or other process of law shall be released from custody within twenty-four hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense:

- (1) First degree murder pursuant to section 565.020, RSMo;
- (2) Second degree murder pursuant to section 565.021, RSMo;
- (3) First degree assault pursuant to section 565.050, RSMo;
- (4) Forcible rape pursuant to section 566.030, RSMo;
- (5) Forcible sodomy pursuant to section 566.060, RSMo;
- (6) First degree robbery pursuant to section 569.020, RSMo; or

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 (7) Distribution of drugs pursuant to section 195.211, RSMo.

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

21 4. Any person who violates the provisions of this section, by refusing to release any
22 person who is entitled to release pursuant to this section, or by refusing to permit a confinee to
23 consult with counsel or other persons, or who transfers any such confinees to the custody or
24 control of another, or to another place, or who falsely charges such person, with intent to avoid
25 the provisions of this section, is guilty of a class A misdemeanor.