

FIRST REGULAR SESSION

# HOUSE BILL NO. 456

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HODGES (Sponsor) AND SCHIEFFER (Co-sponsor).

0344L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 544.157, RSMo, and to enact in lieu thereof one new section relating to fresh pursuit powers for fourth class city police officers.

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

Section A. Section 544.157, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.157, to read as follows:

544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, **any law enforcement officer of any fourth class city in this state**, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police and any commissioned member of the Missouri state park rangers in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's or state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense;

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 if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court  
19 with original criminal jurisdiction in the county wherein such arrest was made or before a  
20 municipal judge thereof having original jurisdiction to try such offense, who may release the  
21 person as provided in section 544.455, conditioned upon such person's appearance before the  
22 court having jurisdiction to try the offense. The person so arrested need not be taken before a  
23 judge as herein set out if given a summons by the arresting officer.

24         3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as  
25 defined by the common law and also the pursuit of a person who has committed a felony or is  
26 reasonably suspected of having committed a felony in this state, or who has committed or  
27 attempted to commit in this state a criminal offense or violation of municipal or county ordinance  
28 in the presence of the arresting officer referred to in subsection 1 of this section or for whom  
29 such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of  
30 a person suspected of having committed a supposed felony in this state, though no felony has  
31 actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used  
32 herein shall imply instant pursuit.

33         4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe  
34 conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum  
35 standards:

36             (1) There shall be supervisory control of the pursuit;

37             (2) There shall be procedures for designating the primary pursuit vehicle and for  
38 determining the total number of vehicles to be permitted to participate at one time in the pursuit;

39             (3) There shall be procedures for coordinating operation with other jurisdictions; and

40             (4) There shall be guidelines for determining when the interests of public safety and  
41 effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be  
42 initiated or should be terminated.