

SECOND REGULAR SESSION

HOUSE BILL NO. 1930

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKLIN.

5515H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.505, 43.545, 455.543, and 455.545, RSMo, and to enact in lieu thereof four new sections relating to the reporting of domestic violence incidents.

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

Section A. Sections 43.505, 43.545, 455.543, and 455.545, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 43.505, 43.545, 455.543, and
3 455.545, to read as follows:

43.505. 1. The department of public safety is hereby designated as the central repository
2 for the collection, maintenance, analysis and reporting of crime incident activity generated by
3 law enforcement agencies in this state. The department shall develop and operate a uniform
4 crime reporting system that is compatible with the national uniform crime reporting system
5 operated by the Federal Bureau of Investigation.

6 2. The department of public safety shall:

7 (1) Develop, operate and maintain an information system for the collection, storage,
8 maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law
9 enforcement agencies;

10 (2) Compile the statistical data and forward such data as required to the Federal Bureau
11 of Investigation or the appropriate Department of Justice agency in accordance with the standards
12 and procedures of the national system;

13 (3) Provide the forms, formats, procedures, standards and related training or training
14 assistance to all law enforcement agencies in the state as necessary for such agencies to report
15 incident and arrest activity for timely inclusion into the statewide system;

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.

16 (4) Annually publish a report on the nature and extent of crime and submit such report
17 to the governor and the general assembly. Such report and other statistical reports shall be made
18 available to state and local law enforcement agencies and the general public through an
19 electronic or manual medium;

20 (5) Maintain the privacy and security of information in accordance with applicable state
21 and federal laws, regulations and orders; and

22 (6) Establish such rules and regulations as are necessary for implementing the provisions
23 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
24 created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
26 This section and chapter 536 are nonseverable and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
28 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
29 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

30 3. Every law enforcement agency in the state shall:

31 (1) Submit crime incident reports to the department of public safety on forms or in the
32 format prescribed by the department; and

33 (2) Submit any other crime incident information which may be required by the
34 department of public safety; and

35 **(3) Submit such reports to the department of public safety or its designee for each**
36 **month on or before the twentieth day of the month following.**

37 4. Any law enforcement agency that violates this section may be ineligible to receive
38 state or federal funds which would otherwise be paid to such agency for law enforcement, safety
39 or criminal justice purposes.

43.545. The state highway patrol shall include [in its voluntary system of reporting for
2 compilation in the "Crime in Missouri"] all reported incidents of domestic violence as defined
3 in section 455.010, whether or not an arrest is made, **in its system of reporting for compilation**
4 **in the annual crime report published under section 43.505.** All incidents shall be reported
5 on forms provided by the highway patrol and in a manner prescribed by the patrol.

455.543. 1. In any incident investigated by a law enforcement agency involving a
2 homicide or suicide, the law enforcement agency shall make a determination as to whether the
3 homicide or suicide is related to domestic violence.

4 2. In making such determination, the local law enforcement agency may consider a
5 number of factors including, but not limited to, the following:

6 (1) If the relationship between the perpetrator and the victim is or was that of a family
7 or household member;

8 (2) Whether the victim or perpetrator had previously filed for an order of protection;

9 (3) Whether any of the subjects involved in the incident had previously been investigated
10 for incidents of domestic violence; and

11 (4) Any other evidence regarding the homicide or suicide that assists the agency in
12 making its determination.

13 3. After making a determination as to whether the homicide or suicide is related to
14 domestic violence, the law enforcement agency shall forward the information required [within
15 fifteen days] to the Missouri state highway patrol on a form or format approved by the patrol.
16 The required information shall include the gender and age of the victim, the type of incident
17 investigated, the disposition of the incident and the relationship of the victim to the perpetrator.
18 The state highway patrol shall develop a form for this purpose which shall be distributed by the
19 department of public safety to all law enforcement agencies by October 1, 2000. [Completed
20 forms shall be forwarded to the highway patrol without undue delay as required by section
21 43.500; except that all such reports shall be forwarded no later than seven days after an incident
22 is determined or identified as a homicide or suicide involving domestic violence.]

2 455.545. The highway patrol shall compile an annual report of homicides and suicides
3 related to domestic violence. Such report shall be presented by [February] **March** first of the
4 subsequent year to the governor, speaker of the house of representatives, and president pro
tempore of the senate.

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