

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1930

98TH GENERAL ASSEMBLY

5515H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

Section A. Sections 43.545, 455.543, and 455.545, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 43.545, 173.2050, 455.543, and
3 455.545, to read as follows:

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.

173.2050. 1. The governing board of each public institution of higher education in
2 **this state shall engage in discussions with law enforcement agencies with jurisdiction over**
3 **the premises of an institution to develop and enter into a memorandum of understanding**
4 **concerning sexual assault, domestic violence, dating violence, and stalking, as defined in**
5 **the federal Higher Education Act of 1965, 20 U.S.C. Section 1092(f), involving students**
6 **both on and off campus.**

7 **2. The memorandum of understanding shall contain detailed policies and protocols**
8 **regarding sexual assault, domestic violence, dating violence, and stalking involving a**
9 **student that comport with best practices and current professional practices. At a**
10 **minimum, the memorandum shall set out procedural requirements for the reporting of an**

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.

11 offense, protocol for establishing who has jurisdiction over an offense, and criteria for
12 determining when an offense is to be reported to law enforcement.

13 3. The department of public safety in cooperation with the department of higher
14 education shall promulgate rules and regulations to facilitate the implementation of this
15 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
16 created under the authority delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
18 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
19 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
20 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,
22 shall be invalid and void.

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.]

455.545. The highway patrol shall compile an annual report of homicides and suicides
2 related to domestic violence. Such report shall be presented by [February] **March** first of the

3 subsequent year to the governor, speaker of the house of representatives, and president pro
4 tempore of the senate.

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