

HCS SS SB 145 -- PUBLIC SAFETY

SPONSOR: Burlison

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 7 to 0.

This bill establishes that the State Capitol Commission will be responsible for employing staff and retaining contract services as necessary for the performance of the duties and purposes of the commission and the Capitol police force. The bill also establishes the Capitol Police Board, which is composed of the Governor, the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Chief Justice of the Missouri Supreme Court, or their designees, and the chair of the State Capitol Commission. The bill specifies the duties of the board (Sections 8.007, 8.111, 8.170, 8.172, and 8.177, RSMo).

The bill also modifies the Public Access to Automated External Defibrillator Act.

The bill states that a person or entity that acquires an automated external defibrillator (AED) shall:

- (1) Comply with regulations regarding the placement of the AED;
- (2) Notify an agent of the local EMS agency of the AED and the AED's location;
- (3) Ensure that the AED is maintained and tested according to the guidelines set forth by the manufacturer;
- (4) Ensure that the AED is tested at least biannually and after each use; and
- (5) Ensure that an inspection is made of all AEDs at least every 90 days.

The bill removes provisions that AED users receive training from the American Red Cross or American Heart Association, that any person who uses an AED activates the emergency medical services system as soon as possible and that any person who has an AED for use outside of a health care facility must have a physician review and approve the clinical protocol for use of the AED.

The bill removes liability for a criminal penalty for any person who gratuitously and in good faith renders emergency care by use of an AED. The bill also removes liability for a criminal penalty for

a person who provides AED training, the person who owns the AED, and the person who is responsible for the site where the AED is located (Section 190.092).

This bill requires the Amber Alert System Oversight Committee to meet at least annually to discuss potential improvements to the system. The committee membership may include a representative of the outdoor advertising industry, a representative of the Missouri Broadcasters Association, and a representative of the public at large.

Additionally, Amber Alerts issued in Missouri may include an embedded Uniform Resource Locator (URL) referencing additional resources available on the Internet.

This bill establishes "HAILEY'S Law" (Honing Alerts Issued by Law Enforcement for Youth Safety bill) and requires the Amber Alert System to be integrated into the Missouri Uniform Law Enforcement System (MULES) and Regional Justice Information Services (REJIS) to expedite the reporting of child abductions.

The bill requires the committee to submit a report to the General Assembly by January 1, 2020, and annually thereafter, regarding information specified in the bill (Section 210.1014).

This bill changes the chapter from Chapter 195 to Chapter 579, relating to controlled substances offenses, for the class of circuit court proceeding costs for which a surcharge of \$60 shall be assessed.

Additionally, the bill extends the expiration date of the provisions of the bill to August 28, 2029 (Section 488.5050).

This bill adds to the offense of trafficking drugs in the first degree knowingly distributing, delivering, manufacturing, or producing or attempting to distribute, deliver, manufacture, or produce more than 10 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 20 milligrams or more of fentanyl or any derivative thereof, or any mixture or substance containing 20 milligrams or more of fentanyl, it is a class A felony. If it involves more than 10 milligrams, it is a class B felony. Additionally, one gram or more of flunitrazepam (Rohypnol) or any amount of gamma-hydroxybutyric acid (GHB) is a class B felony for the first offense and a class A felony for the second or subsequent offense.

The bill adds to the offense of trafficking drugs in the second degree knowingly possessing or having under one's control,

purchasing or attempting to purchase, or bringing into the state more than 10 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 60 grams or more of fentanyl or any derivative thereof, or any mixture or substance containing 60 grams or more of fentanyl, it is a class B felony. If it involves more than 10 milligrams, it is a class C felony. Additionally, the offense is a class C felony for the first offense and class B felony for the second or subsequent offense for the trafficking of less than one gram of flunitrazepam (Rohypnol) (Sections 579.065 and 579.068).

Currently, the Peace Officer Standards and Training Commission consists of the following members: three police chiefs, three sheriffs, one representative of a state law enforcement agency, two peace officers each with a rank not exceeding sergeant, one chief executive officer of a certified training academy, and one member of the public. These 11 members are appointed to the Commission by the Governor from a list of qualified candidates provided by the Director of the Department of Public Safety.

This bill provides the Governor shall appoint three sitting police chiefs from a list of qualified candidates provided by the Missouri Police Chief's Association board of directors. Additionally, the Governor shall appoint three sitting sheriffs from a list of qualified candidates provided by the Missouri Sheriffs' Association board of directors. Also under this bill, one of the peace officers with a rank not exceeding sergeant shall be employed by a municipality, and the other peace officer with a rank not exceeding sergeant shall be employed by a county.

Currently, the Director of the Department of Public Safety appoints a member of the Commission to be the chairperson. Under this bill, the Commission appoints a member to be the chairperson by a majority vote of the members. Finally, the Commission shall provide advice to the Director of the Department of Public Safety (Section 590.120).

This bill creates the Missouri Water Safety and Security Act. Within one year, every public water system in the state must create an asset management plan that contains certain information as specified in the bill. All asset management plans must be certified by the licensed operator or professional engineer of the water system and the responsible corporate officer, executive director, or mayor and must be made available for inspection upon request of the Department of Natural Resources. All public water systems using Internet-connected controls must also create a plan that establishes policies and procedures for cyber security risk management, prevention, and mitigation within 12 months.

If a public water system receives three notices of violation for any reason, or two notices of violation relating to exceeding maximum contaminant levels within a 12-month period, the public water system shall submit a mitigation plan to the Department of Natural Resources within 60 days of the latest violation.

All public water systems must create valve inspection and hydrant inspection programs. The programs must contain requirements as specified in the bill. Public water systems are required to submit an annual report to the department certifying compliance with certain regulations.

Nothing in the bill should be construed to establish a private civil cause of action against an individual in violation of any of the provisions (Sections 640.142, 640.144, and 640.145).

PROPOSERS: Supporters say that this bill is similar to HB 185. Generally, passing laws on anecdotal events is bad policy, but what happened to Hailey was not an anecdotal event. There needs to be a system that is swift and efficient because lives are at stake. This legislation updates who will be on the board because times have changed and broadcasting and advertising has changed. There is also now a URL that can provide individuals with more information. It is too late for Hailey, but this could save many more children.

Testifying for the bill were Senator Burlison; Missouri Missing; Jim D. Wood; and Markus Owens.

OPPOSERS: There was no opposition voiced to the committee.