

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 1538 & 1900

## 100TH GENERAL ASSEMBLY

4148H.03C

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapters 56, 556, and 570, RSMo, by adding thereto three new sections relating to prosecuting and circuit attorneys, with penalty provisions and an emergency clause for certain sections.

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

Section A. Chapters 56, 556, and 570, RSMo, are amended by adding thereto three new  
2 sections, to be known as sections 56.900, 556.065, and 570.027, to read as follows:

56.900. A prosecuting or circuit attorney performing discretionary functions shall  
2 not be liable for civil damages if his or her conduct does not violate a clearly established  
3 statutory or constitutional right.

556.065. 1. The provisions of this section shall apply to any city not within a  
2 county.

3 2. (1) The attorney general shall have concurrent jurisdiction with any circuit  
4 attorney to prosecute under this section.

5 (2) Upon receiving a referral from a law enforcement agency alleging a violation  
6 of sections 565.020, 565.021, or 570.027, the attorney general may commence prosecution  
7 of any violations of said sections within sixty days by filing a complaint, information, or  
8 indictment. Once the attorney general commences prosecution pursuant to this section, he  
9 or she may prosecute any additional violations that were part of the same course of conduct  
10 as the violation of sections 565.020, 565.021, or 570.027.

11 (3) If the circuit attorney has commenced prosecution by filing a complaint,  
12 information, or indictment, the attorney general may adopt or amend the complaint,  
13 information, or indictment and the circuit attorney shall immediately withdraw from the  
14 prosecution.

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.

570.027. 1. A person commits the offense of vehicle hijacking when he or she  
2 knowingly uses or threatens the use of physical force upon another person to seize or  
3 attempt to seize possession or control of a vehicle, as defined in section 302.010, from the  
4 immediate possession or control of another person.

5           2. The offense of vehicle hijacking is a class B felony unless it meets one of the  
6 criteria listed in subsection 2 of this section.

7           3. The offense of vehicle hijacking is a class A felony if, in the course thereof, a  
8 person or another participant in the offense:

9               (1) Causes serious physical injury to any person in immediate possession, control,  
10 or presence of the vehicle;

11               (2) Is armed with a deadly weapon;

12               (3) Uses or threatens the immediate use of a dangerous instrument against any  
13 person;

14               (4) Displays or threatens the use of what appears to be a deadly weapon or  
15 dangerous instrument; or

16               (5) Seizes a vehicle, or attempts to seize a vehicle, in which a child or special victim  
17 as defined in section 565.002 is present.

Section B. Because of the need to protect the citizens of the state of Missouri from  
2 violent crime, sections 556.065 and 570.027 of section A of this act are deemed necessary for  
3 the immediate preservation of the public health, welfare, peace, and safety, and are hereby  
4 declared to be an emergency act within the meaning of the constitution, and sections 556.065 and  
5 570.027 of section A of this act shall be in full force and effect upon its passage and approval.

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