

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 13

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

5797H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 570.027 as enacted by senate substitute for senate bill no. 600, one hundredth general assembly, second regular session, and to enact in lieu thereof three new sections relating to prosecuting and circuit attorneys, with penalty provisions and an emergency clause for certain sections.

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

Section A. Section 570.027 as enacted by senate substitute for senate bill no. 600, one
2 hundredth general assembly, second regular session, is repealed and three new sections enacted
3 in lieu thereof, 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.**

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

**(2) Upon receiving a referral from a law enforcement agency alleging a violation
6 of section 565.020, 565.021, or 570.027, the attorney general may commence prosecution
7 of any violation of such section within sixty days by filing a complaint, information, or
8 indictment. Once the attorney general commences prosecution pursuant to this section, he**

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.

9 or she may prosecute any additional violations that were part of the same course of conduct
10 as the violation of section 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.

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 3 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.

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

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