

FIRST REGULAR SESSION

HOUSE BILL NO. 438

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILSON.

1184H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.315, RSMo, and to enact in lieu thereof one new section relating to the detaining of certain persons by law enforcement officers.

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

Section A. Section 67.315, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.315, to read as follows:

67.315. 1. A person who appears to be incapacitated or intoxicated may be taken by a peace officer to the person's residence, to any available treatment service, or to any other appropriate local facility, which may if necessary include a jail, for custody not to exceed twelve hours.

2. Any **law enforcement officer, as defined under section 556.061**, detaining such person shall be immune from prosecution for false arrest and shall not be responsible in damages for taking action pursuant to subsection 1 ~~[above]~~ **of this section** if the **law enforcement officer** has reasonable grounds to believe the person is incapacitated or intoxicated by alcohol, **drugs, or other substance** and he **or she** does not use unreasonable excessive force to detain such person.

3. Such immunity from prosecution includes the taking of reasonable action to protect himself or herself from harm by the intoxicated or incapacitated person.

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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.