

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 134

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURGER.

5625H.011

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article III of the Constitution of Missouri, by adopting two new sections relating to first responders.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2024, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to Article III of the Constitution of the state
5 of Missouri:

Section A. Article III, Constitution of Missouri, is amended by adopting two new
2 sections, to be known as Sections 38(e) and 38(f), to read as follows:

**Section 38(e). 1. A person commits the offense of assault against a first
2 responder if he or she attempts to kill or knowingly causes or attempts to cause serious
3 physical injury to a first responder. This offense shall be a class A felony.**

**2. As used in this section, the term "first responder" shall include any law
5 enforcement officer; emergency personnel; paid or volunteer firefighter; emergency
6 room, hospital, or trauma center personnel; emergency medical technician; or member
7 of the National Guard when deployed in this state who is assaulted in the performance
8 of his or her official duties or as a direct result of such official duties.**

Section 38(f). 1. As used in this section, the following terms mean:

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.

2 (1) "First responder", any person employed as a law enforcement officer;
3 emergency personnel; paid or volunteer firefighter; emergency room, hospital, or
4 trauma center personnel; emergency medical technician; or member of the National
5 Guard when deployed in this state;

6 (2) "Killed in the line of duty", shall include any first responder as defined in
7 this section who loses his or her life when:

8 (a) Death is caused by an accident or the willful act of violence of another;

9 (b) The first responder is in the active performance of his or her duties in his or
10 her respective profession and there is a relationship between the accident or commission
11 of the act of violence and the performance of the duty, even if the individual is off duty;
12 the first responder is traveling to or from employment; or the first responder is taking
13 any meal break or other break that takes place while he or she is on duty;

14 (c) Death is the natural and probable consequence of the injury; and

15 (d) Death occurs within three hundred weeks from the date the injury was
16 received.

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18 The term excludes death resulting from the willful misconduct or intoxication of the
19 first responder. The division of workers' compensation shall have the burden of proving
20 such willful misconduct or intoxication.

21 2. A claim for compensation for a first responder killed in the line of duty shall
22 be filed by survivors of the deceased with the division of workers' compensation not
23 later than one year from the date of the death of the first responder. If a claim is made
24 within one year of the date of the death of the first responder killed in the line of duty,
25 compensation shall be paid if the division finds that the claimant is entitled to
26 compensation. Any compensation awarded shall be distributed as provided by law. The
27 amount of compensation paid to the claimant shall be two hundred and fifty thousand
28 dollars for any such death occurring after December 31, 2024.

29 3. A surcharge of twenty dollars shall be assessed as costs in each court
30 proceeding filed in any court in the state in all criminal cases including violations of any
31 county ordinance or any violation of criminal or traffic laws of the state, including an
32 infraction and violation of a municipal ordinance; except that, no such fee shall be
33 collected in any proceeding in any court when the proceeding or the defendant has been
34 dismissed by the court or when costs are to be paid by the state, county, or municipality.
35 Notwithstanding any other provision of law to the contrary, the moneys collected by
36 clerks of the courts pursuant to this subsection shall be deposited into the "Line of Duty

37 **Compensation Fund" or any other fund used solely for paying claims of first responders**
38 **killed in the line of duty.**

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