

SECOND REGULAR SESSION

SENATE BILL NO. 780

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time January 14, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

3175S.03I

AN ACT

To repeal section 577.039, RSMo, and to enact in lieu thereof two new sections relating to intoxication-related traffic offenses, with penalty provisions.

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

Section A. Section 577.039, RSMo, is repealed and two new sections enacted
2 in lieu thereof, to be known as sections 577.014 and 577.039, to read as follows:

**577.014. In addition to the administrative driver's license revocation
2 penalties described in section 577.041, a person's refusal to submit to a
3 chemical test of his or her blood, breath, saliva, or urine authorized under
4 section 577.020 is a class B misdemeanor. No person found or convicted of
5 or pleading guilty to the offense of refusing to submit to a chemical test of
6 the person's blood, breath, saliva, or urine authorized under section 577.020
7 shall be granted a suspended imposition of sentence for such offense, unless
8 such person shall be placed on probation for a minimum of two years.**

577.039. An arrest without a warrant by a law enforcement officer, including
2 a uniformed member of the state highway patrol, for a violation of section 577.010
3 or 577.012 is lawful whenever the arresting officer has reasonable grounds to believe
4 that the person to be arrested has violated the section, whether or not the violation
5 occurred in the presence of the arresting officer [and when such arrest without
6 warrant is made within one and one-half hours after such claimed violation occurred,
7 unless the person to be arrested has left the scene of an accident or has been
8 removed from the scene to receive medical treatment, in which case such arrest
9 without warrant may be made more than one and one-half hours after such violation
10 occurred].

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.