

SENATE JOINT RESOLUTION NO. 93

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

5945S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, by adding thereto two new sections relating to first responders, with penalty provisions.

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

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

Section A. Article III, Constitution of Missouri, is amended by adding thereto two new 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 responder if he or she attempts to kill or knowingly causes or attempts to cause serious 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 enforcement officer; emergency personnel; paid or volunteer firefighter; emergency room, hospital, or trauma center personnel; emergency medical technician; or member of the National Guard when deployed in

11 this state who is assaulted in the performance of his or her
12 official duties or as a direct result of such official
13 duties.

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

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

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

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

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

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

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

25 The term excludes death resulting from the willful
26 misconduct or intoxication of the first responder. The
27 division of workers' compensation shall have the burden of
28 proving such willful misconduct or intoxication.

29 2. A claim for compensation for a first responder
30 killed in the line of duty shall be filed by survivors of
31 the deceased with the division of workers' compensation not
32 later than one year from the date of the death of the first
33 responder. If a claim is made within one year of the date
34 of the death of the first responder killed in the line of
35 duty, compensation shall be paid if the division finds that
36 the claimant is entitled to compensation. Any compensation
37 awarded shall be distributed as provided by law. The amount
38 of compensation paid to the claimant shall be two hundred
39 and fifty thousand dollars for any such death occurring
40 after December 31, 2024.

41 3. A surcharge of twenty dollars shall be assessed as
42 costs in each court proceeding filed in any court in the
43 state in all criminal cases including violations of any
44 county ordinance or any violation of criminal or traffic
45 laws of the state, including an infraction and violation of
46 a municipal ordinance; except that, no such fee shall be
47 collected in any proceeding in any court when the proceeding
48 or the defendant has been dismissed by the court or when
49 costs are to be paid by the state, county, or municipality.
50 Notwithstanding any other provision of law to the contrary,
51 the moneys collected by clerks of the courts pursuant to
52 this subsection shall be deposited into the "Line of Duty
53 Compensation Fund" or any other fund used solely for paying
54 claims of first responders killed in the line of duty.

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