

# HOUSE BILL NO. 1826

## 101ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE GRAY.

3649H.011

DANA RADEMAN MILLER, Chief Clerk

---

### AN ACT

To amend chapter 590, RSMo, by adding thereto two new sections relating to the investigation of deaths involving a law enforcement officer.

---

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

Section A. Chapter 590, RSMo, is amended by adding thereto two new sections, to be known as sections 590.658 and 590.670, to read as follows:

**590.658. 1. There is hereby created a board for review of officer-involved deaths. The board shall be composed of six members as follows:**

**(1) One retired judge;**

**(2) A former sheriff, chief of police, deputy sheriff, or deputy chief of police;**

**(3) An assistant attorney general;**

**(4) A professor or researcher affiliated with a Missouri university or college who has expertise in the field of criminal law or criminal justice;**

**(5) A licensed attorney with experience in criminal defense who is in no way involved in prosecuting crimes; and**

**(6) A former prosecuting attorney or assistant prosecuting attorney who served in that capacity for at least ten years.**

**2. The members shall be appointed by the attorney general. The initial members shall be appointed to the following terms:**

**(1) Two members, as determined by the attorney general, for a term that expires on the May first occurring at least two years after the initial appointment;**

**(2) Two members, as determined by the attorney general, for a term that expires on the May first occurring at least three years after the initial appointment; and**

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.

18           **(3) The remaining initial members and all other members appointed thereafter**  
19 **shall be appointed for four-year terms.**

20           **3. The board shall meet as necessary to perform its duties under section 590.670.**

**590.670. 1. Each law enforcement agency shall have a written policy regarding**  
2 **the handling of deaths involving a law enforcement officer employed by the agency.**  
3 **Each policy shall be subject to review and approval by the department of public safety's**  
4 **peace officer standards and training commission.**

5           **2. (1) Each agency's written policy shall require utilization of a team of**  
6 **investigators consisting of at least three individuals, including individuals from at least**  
7 **two different law enforcement agencies that do not employ any law enforcement officers**  
8 **involved in the death being investigated.**

9           **(2) If the death being investigated is traffic related, the agency's written policy**  
10 **shall require the investigative team to use a crash reconstruction unit from an agency**  
11 **that does not employ any law enforcement officers involved in the death being**  
12 **investigated. The policy shall give preference to using a unit from the Missouri state**  
13 **highway patrol.**

14           **(3) Each agency's written policy may allow an internal investigation into the**  
15 **death if the internal investigation does not interfere with the duties of the team of**  
16 **investigators under subdivision (1) of this subsection.**

17           **(4) Each agency's written policy shall require any officer involved in a death to**  
18 **submit a blood sample. No person shall perform any analysis or test on the blood**  
19 **sample without either the permission of the officer who submitted the sample or a**  
20 **search warrant. At the conclusion of the investigation of the death, the sample may be**  
21 **destroyed upon court approval.**

22           **3. Compensation for participation on a team under subsection 2 of this section**  
23 **shall be determined in a manner consistent with mutual-aid agreements under section**  
24 **44.090.**

25           **4. (1) An investigative team created under subdivision (1) of subsection 2 of this**  
26 **section shall consult with and report to the prosecuting attorney of the county in which**  
27 **the death occurred. Except as provided in this subsection, the team shall keep**  
28 **confidential any material and information related to the death and the investigation.**

29           **(2) The prosecuting attorney shall release the results of any report made under**  
30 **subdivision (1) of this subsection to the board for review of officer-involved deaths**  
31 **created under section 590.670.**

32           **(3) An investigative team created under subdivision (1) of subsection 2 of this**  
33 **section shall respond to requests under subsection 5 of this section from the board for**  
34 **review of officer-involved deaths unless the prosecuting attorney restricts the team from**

35 a response due to a court order or because a response could jeopardize the prosecution  
36 or investigation of an open case.

37       **5. (1) When the board for review of officer-involved deaths receives results from**  
38 **a report under subdivision (2) of subsection 4 of this section, it shall review the report**  
39 **and evidence to determine if it addresses all aspects of the death. The board for review**  
40 **of officer-involved deaths may request more information, clarification, or testimony**  
41 **from the investigative team that prepared the report.**

42       **(2) When the board for review of officer-involved deaths finishes its review of the**  
43 **report, it may make recommendations to the prosecuting attorney of the county in**  
44 **which the death occurred and forward the report to any person responsible for**  
45 **disciplining an officer involved.**

46       **(3) Meetings of the board for review of officer-involved deaths are open to the**  
47 **public, but public comment is closed unless the majority of the board votes to allow**  
48 **public comment.**

49       **6. When the board for review of officer-involved deaths completes its review of a**  
50 **report under subsection 5 of this section, the attorney general shall release the report**  
51 **and any accompanying written files unless the information is required to be kept**  
52 **confidential under state law.**

✓