

SECOND REGULAR SESSION

# HOUSE BILL NO. 1996

99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE ROBERTS.

5405H.011

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal sections 590.040 and 590.650, RSMo, and to enact in lieu thereof three new sections relating to law enforcement training on racial or identity profiling.

---

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

Section A. Sections 590.040 and 590.650, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 590.040, 590.650, and 590.656, to read as  
3 follows:

590.040. 1. The POST commission shall set the minimum number of hours of basic  
2 training for licensure as a peace officer no lower than four hundred seventy and no higher than  
3 six hundred, with the following exceptions:

4 (1) Up to one thousand hours may be mandated for any class of license required for  
5 commission by a state law enforcement agency;

6 (2) As few as one hundred twenty hours may be mandated for any class of license  
7 restricted to commission as a reserve peace officer with police powers limited to the  
8 commissioning political subdivision;

9 (3) Persons validly licensed on August 28, 2001, may retain licensure without additional  
10 basic training;

11 (4) Persons licensed and commissioned within a county of the third classification before  
12 July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the  
13 commissioning political subdivision has adopted an order or ordinance to that effect;

14 (5) Persons serving as a reserve officer on August 27, 2001, within a county of the first  
15 classification or a county with a charter form of government and with more than one million  
16 inhabitants on August 27, 2001, having previously completed a minimum of one hundred sixty

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.

17 hours of training, shall be granted a license necessary to function as a reserve peace officer only  
18 within such county. For the purposes of this subdivision, the term "reserve officer" shall mean  
19 any person who serves in a less than full-time law enforcement capacity, with or without pay and  
20 who, without certification, has no power of arrest and who, without certification, must be under  
21 the direct and immediate accompaniment of a certified peace officer of the same agency at all  
22 times while on duty; and

23 (6) The POST commission shall provide for the recognition of basic training received  
24 at law enforcement training centers of other states, the military, the federal government and  
25 territories of the United States regardless of the number of hours included in such training and  
26 shall have authority to require supplemental training as a condition of eligibility for licensure.

27 2. The director shall have the authority to limit any exception provided in subsection 1  
28 of this section to persons remaining in the same commission or transferring to a commission in  
29 a similar jurisdiction.

30 3. The basic training of every peace officer, except agents of the conservation  
31 commission, shall include at least thirty hours of training in the investigation and management  
32 of cases involving domestic and family violence. Such training shall include instruction, specific  
33 to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse,  
34 child fatalities and child neglect; interviewing children and alleged perpetrators; the nature,  
35 extent and causes of domestic and family violence; the safety of victims, other family and  
36 household members and investigating officers; legal rights and remedies available to victims,  
37 including rights to compensation and the enforcement of civil and criminal remedies; services  
38 available to victims and their children; the effects of cultural, racial and gender bias in law  
39 enforcement; and state statutes. Said curriculum shall be developed and presented in  
40 consultation with the department of health and senior services, the children's division, public and  
41 private providers of programs for victims of domestic and family violence, persons who have  
42 demonstrated expertise in training and education concerning domestic and family violence, and  
43 the Missouri coalition against domestic violence.

44 **4. The racial and gender bias training component of basic training required under**  
45 **subsection 3 shall include specific instruction on racial or identity profiling. The**  
46 **curriculum shall be evidence-based and shall include and examine evidence-based patterns,**  
47 **practices, and protocols that make up racial or identity profiling, including implicit bias.**  
48 **This training shall prescribe evidence-based patterns, practices, and protocols that prevent**  
49 **racial or identity profiling. In developing the training, the POST commission shall consult**  
50 **with the Racial and Identity Profiling Advisory Board established under section 590.656.**  
51 **The course of instruction shall include, but not be limited to, significant consideration of**  
52 **each of the following subjects:**

53           **(1) Identification of key perspectives that make up racial, identity, and cultural**  
54 **differences among residents in a local community;**

55           **(2) Negative impact of intentional and implicit biases, prejudices, and stereotyping**  
56 **on effective law enforcement, including examination of how historical perceptions of**  
57 **discriminatory enforcement practices have harmed police-community relations and**  
58 **contributed to injury, death, disparities in arrest detention and incarceration rights, and**  
59 **wrongful convictions;**

60           **(3) The history and role of the civil and human rights movement and struggles and**  
61 **their impact on law enforcement;**

62           **(4) Specific obligations of peace officers in preventing, reporting, and responding**  
63 **to discriminatory or biased practices by fellow peace officers;**

64           **(5) Perspectives of diverse, local constituency groups and experts on particular**  
65 **racial, identity, and cultural and police-community relations issues in a local area; and**

66           **(6) The prohibition against racial or identity profiling in section 590.650.**

67           **5. For purposes of this section, "racial or identity profiling" means the**  
68 **consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity,**  
69 **national origin, age, religion, gender identity or expression, sexual orientation, or mental**  
70 **or physical disability in deciding which persons to subject to a stop or in deciding upon the**  
71 **scope or substance of law enforcement activities following a stop, except that an officer may**  
72 **consider or rely on characteristics listed in a specific suspect description. The activities**  
73 **include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such**  
74 **as asking questions, frisks, consensual and nonconsensual searches of a person or any**  
75 **property, seizing any property, removing vehicle occupants during a traffic stop, issuing**  
76 **a citation, and making an arrest.**

          590.650. 1. As used in this section "minority group" means individuals of African,  
2 Hispanic, Native American or Asian descent.

3           2. Each time a peace officer stops a driver of a motor vehicle, that officer shall report the  
4 following information to the law enforcement agency that employs the officer:

5           (1) The age, gender and race or minority group of the individual stopped;

6           (2) The reasons for the stop;

7           (3) Whether a search was conducted as a result of the stop;

8           (4) If a search was conducted, whether the individual consented to the search, the  
9 probable cause for the search, whether the person was searched, whether the person's property  
10 was searched, and the duration of the search;

11           (5) Whether any contraband was discovered in the course of the search and the type of  
12 any contraband discovered;

- 13 (6) Whether any warning or citation was issued as a result of the stop;  
14 (7) If a warning or citation was issued, the violation charged or warning provided;  
15 (8) Whether an arrest was made as a result of either the stop or the search;  
16 (9) If an arrest was made, the crime charged; and  
17 (10) The location of the stop.

18

19 Such information may be reported using a format determined by the department of public safety  
20 which uses existing citation and report forms.

21 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of  
22 this section for the calendar year into a report to the attorney general.

23 (2) Each law enforcement agency shall submit the report to the attorney general no later  
24 than March first of the following calendar year.

25 (3) The attorney general shall determine the format that all law enforcement agencies  
26 shall use to submit the report.

27 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies  
28 required by this section and submit a report of the findings to the governor, the general assembly  
29 and each law enforcement agency no later than June first of each year.

30 (2) The report of the attorney general shall include at least the following information for  
31 each agency:

32 (a) The total number of vehicles stopped by peace officers during the previous calendar  
33 year;

34 (b) The number and percentage of stopped motor vehicles that were driven by members  
35 of each particular minority group;

36 (c) A comparison of the percentage of stopped motor vehicles driven by each minority  
37 group and the percentage of the state's population that each minority group comprises; and

38 (d) A compilation of the information reported by law enforcement agencies pursuant to  
39 subsection 2 of this section.

40 5. Each law enforcement agency shall adopt a policy **prohibiting racial or identity**  
41 **profiling, which includes instruction** on ~~race-based~~ traffic stops that:

42 (1) Prohibits the practice of routinely stopping members of minority groups for  
43 violations of vehicle laws as a pretext for investigating other violations of criminal law;

44 (2) Provides for periodic reviews by the law enforcement agency of the annual report of  
45 the attorney general required by subsection 4 of this section that:

46 (a) Determine whether any peace officers of the law enforcement agency have a pattern  
47 of stopping members of minority groups for violations of vehicle laws in a number

48 disproportionate to the population of minority groups residing or traveling within the jurisdiction  
49 of the law enforcement agency; and

50 (b) If the review reveals a pattern, require an investigation to determine whether any  
51 peace officers of the law enforcement agency routinely stop members of minority groups for  
52 violations of vehicle laws as a pretext for investigating other violations of criminal law; and

53 (3) Provides for appropriate counseling and training of any peace officer found to have  
54 engaged in race-based traffic stops within ninety days of the review.

55

56 The course or courses of instruction and the guidelines shall stress understanding and respect for  
57 racial and cultural differences, and development of effective, noncombative methods of carrying  
58 out law enforcement duties in a racially and culturally diverse environment.

59 6. If a law enforcement agency fails to comply with the provisions of this section, the  
60 governor may withhold any state funds appropriated to the noncompliant law enforcement  
61 agency.

62 7. Each law enforcement agency in this state may utilize federal funds from  
63 community-oriented policing services grants or any other federal sources to equip each vehicle  
64 used for traffic stops with a video camera and voice-activated microphone.

65 8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully conducted  
66 sobriety check point or road block shall be exempt from the reporting requirements of subsection  
67 2 of this section.

68 **9. For purposes of this section, "racial or identity profiling" means the**  
69 **consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity,**  
70 **national origin, age, religion, gender identity or expression, sexual orientation, or mental**  
71 **or physical disability in deciding which persons to subject to a stop or in deciding upon the**  
72 **scope or substance of law enforcement activities following a stop, except that an officer may**  
73 **consider or rely on characteristics listed in a specific suspect description. The activities**  
74 **include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such**  
75 **as asking questions, frisks, consensual and nonconsensual searches of a person or any**  
76 **property, seizing any property, removing vehicle occupants during a traffic stop, issuing**  
77 **a citation, and making an arrest.**

**590.656. 1. There is hereby established the "Racial and Identity Profiling Advisory**  
2 **Board" for the purpose of eliminating racial and identity profiling, and improving**  
3 **diversity and racial and identity sensitivity in law enforcement.**

4 **2. The board shall consist of the following members:**

5 **(1) The Attorney General, or his or her designee;**

6 **(2) The state public defender director, or his or her designee;**

- 7           (3) The president of the Missouri police chiefs association, or his or her designee;
- 8           (4) The president of the Missouri sheriffs association, or his or her designee;
- 9           (5) The superintendent of the Missouri state highway patrol, or his or her designee;
- 10          (6) A university professor who specializes in policing, and racial and identity
- 11 equity;
- 12          (7) Two representatives of human or civil rights tax-exempt organizations who
- 13 specialize in civil or human rights;
- 14          (8) Two representatives of community organizations who specialize in civil or
- 15 human rights and criminal justice, and work with victims of racial and identity profiling.
- 16 At least one representative shall be between sixteen and twenty-four years of age;
- 17          (9) Two religious clergy members who specialize in addressing and reducing racial
- 18 and identity bias toward individuals and groups;
- 19          (10) Up to two other members that the governor may prescribe;
- 20          (11) Up to two other members that the president pro tempore of the senate may
- 21 prescribe; and
- 22          (12) Up to two other members that the speaker of the house of representatives may
- 23 prescribe.
- 24          3. Each year, on an annual basis, the board shall do the following:
- 25           (1) Analyze the data reported to the attorney general under section 590.650;
- 26           (2) Analyze law enforcement training under this chapter;
- 27           (3) Work in partnership with state and local law enforcement agencies to review
- 28 and analyze racial and identity profiling policies and practices across geographic areas in
- 29 the state;
- 30           (4) Conduct and consult available, evidence-based research on intentional and
- 31 implicit biases, and law enforcement stop, search, and seizure tactics; and
- 32           (5) Issue a report that provides the board's analysis under subdivisions (1) to (4)
- 33 of this subsection that contains detailed findings on the past and current status of racial
- 34 and identity profiling and makes policy recommendations for eliminating racial and
- 35 identity profiling. The board shall post the report on its website. Each report shall include
- 36 disaggregated statistical data for each reporting law enforcement agency.
- 37          4. The board shall hold at least three public meetings annually to discuss racial and
- 38 identity profiling, and potential reforms to prevent racial and identity profiling. The board
- 39 shall provide the public with notice of at least sixty days before each meeting.
- 40          5. Members of the board shall not receive compensation, nor per diem expenses,
- 41 for their services as members.

42           **6. No action of the board shall be valid unless agreed to by a majority of its**  
43 **members.**

44           **7. The initial terms of board members shall be four years. Each year, the board**  
45 **shall elect two of its members as co-chairs.**

✓