

SECOND REGULAR SESSION

HOUSE BILL NO. 2174

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

5718H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 49.276, 590.030, 590.040, 590.050, 590.080, 590.650, 590.653, and 610.122, RSMo, and to enact in lieu thereof seventeen new sections relating to law enforcement agencies, with penalty provisions.

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

Section A. Sections 49.276, 590.030, 590.040, 590.050, 590.080, 590.650, 590.653, and
2 610.122, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known
3 as sections 49.276, 71.187, 590.030, 590.040, 590.050, 590.055, 590.080, 590.215, 590.220,
4 590.225, 590.230, 590.235, 590.240, 590.650, 590.653, 590.715, and 610.122, to read as
5 follows:

49.276. **1.** County commissions of third and fourth class counties may provide motor
2 vehicles for the use of law enforcement personnel who are county employees. Such motor
3 vehicles shall be used by authorized personnel only, and each sheriff shall prescribe rules and
4 regulations for the use of the motor vehicles. The county commission may acquire title to such
5 vehicles in the name of the county and may purchase insurance on the vehicles. County
6 commissions may sell or otherwise convey such vehicles and may do all acts consistent with
7 maintenance and operating costs of the vehicles at county expense. The motor vehicles
8 authorized herein shall be of such size, type, make and horsepower as is determined by the
9 county commission. The county commission and the Missouri state highway patrol may
10 cooperate in the purchase and disposal of such vehicles, either pursuant to the provisions of
11 sections 67.330 to 67.450 or otherwise. Costs incident to purchase of such vehicles, other than
12 the purchase price, shall be paid by the county commission.

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.

13 **2. No motor vehicle provided to law enforcement personnel under this section shall**
14 **have been used during combat or shall be a mine resistant, ambush-protected vehicle.**

71.187. Notwithstanding the provisions of section 71.185, every law enforcement
2 **agency shall carry liability insurance for each law enforcement officer it employs and pay**
3 **the premiums therefor, subject to appropriations, to insure against claims or causes of**
4 **action for property damage or personal injuries, including death, caused while the law**
5 **enforcement officers are in the exercise of governmental functions. If the premiums for**
6 **any such officer are increased due to improper, overly violent, or risky conduct, the officer**
7 **shall be individually responsible for the increased premium amount.**

 590.030. 1. The POST commission shall establish minimum standards for the basic
2 training of peace officers. Such standards may vary for each class of license established pursuant
3 to subsection 2 of section 590.020.

4 2. The director shall establish minimum age, citizenship, and general education
5 requirements and may require a qualifying score on a certification examination as conditions of
6 eligibility for a peace officer license. Such general education requirements shall require
7 completion of a high school program of education under chapter 167 or obtainment of a General
8 Educational Development (GED) certificate.

9 3. The director shall provide for the licensure, with or without additional basic training,
10 of peace officers possessing credentials by other states or jurisdictions, including federal and
11 military law enforcement officers.

12 4. The director shall establish a procedure for obtaining a peace officer license and shall
13 issue the proper license when the requirements of this chapter have been met.

14 5. As conditions of licensure, all licensed peace officers shall:

15 (1) Obtain continuing law enforcement education pursuant to rules to be promulgated
16 by the POST commission; [and]

17 (2) Maintain a current address of record on file with the director; **and**

18 **(3) Complete mental issue identification training as established by the POST**
19 **commission.**

20 6. A peace officer license shall automatically expire if the licensee fails to hold a
21 commission as a peace officer for a period of five consecutive years, provided that the POST
22 commission shall provide for the relicensure of such persons and may require retraining as a
23 condition of eligibility for relicensure, and provided that the director may provide for the
24 continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement
25 commission requiring a peace officer license but not meeting the definition of a peace officer
26 pursuant to this chapter.

27 **7. For the purposes of this section, "mental issue identification training" shall mean**
28 **training to provide the ability to identify individuals who have mental health issues or**
29 **other trauma related injuries that would cause the individuals to act irrationally.**

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
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; **de-escalation training; and positive interaction training.**
40 Said curriculum shall be developed and presented in consultation with the department of health
41 and senior services, the children's division, public and private providers of programs for victims
42 of domestic and family violence, persons who have demonstrated expertise in training and
43 education concerning domestic and family violence, and the Missouri coalition against domestic
44 violence.

590.050. 1. The POST commission shall establish requirements for the continuing
2 education of all peace officers. **All peace officers shall be required to report any continuing**
3 **education hours within the eighteen-month reporting period.** Peace officers who make
4 traffic stops shall be required to receive [three] **nine** hours of training within the law enforcement
5 continuing education [three-year] **eighteen-month** reporting period concerning the prohibition
6 against racial profiling and such training shall promote understanding and respect for racial and
7 cultural differences and the use of effective, noncombative methods for carrying out law
8 enforcement duties in a racially and culturally diverse environment. **The commission shall not**
9 **permit any officer to take and pass a written or oral examination in exchange for his or her**
10 **training hours in order to comply with the provisions of this section.**

11 2. **In addition to the requirements of subsection 1 of this section, all peace officers**
12 **shall be required to receive three hours of training within the law enforcement continuing**
13 **education eighteen-month reporting period concerning de-escalation procedures and three**
14 **hours of positive interaction training. The de-escalation training shall include training that**
15 **promotes understanding and diffusing escalated situations and the use of effective,**
16 **noncombative methods for carrying out law enforcement duties in an escalated situation.**
17 **The positive interaction training shall include training that promotes understanding and**
18 **respect toward all civilians while carrying out law enforcement duties.**

19 3. The director shall license continuing education providers and may probate, suspend
20 and revoke such licenses upon written notice stating the reasons for such action. Any person
21 aggrieved by a decision of the director pursuant to this subsection may appeal as provided in
22 chapter 536.

23 [3.] 4. The costs of continuing law enforcement education shall be reimbursed in part
24 by moneys from the peace officer standards and training commission fund created in section
25 590.178, subject to availability of funds, except that no such funds shall be used for the training

26 of any person not actively commissioned or employed by a county or municipal law enforcement
27 agency.

28 [4.] 5. The director may engage in any activity intended to further the professionalism
29 of peace officers through training and education, including the provision of specialized training
30 through the department of public safety.

**590.055. 1. Notwithstanding the provisions of section 590.050, every peace officer
2 shall obtain forty-eight hours of continuing law enforcement education (CLEE) and report
3 such hours to the POST commission during a fixed, eighteen-month reporting period. The
4 commission shall monitor compliance with this section.**

5 2. During each reporting period, every peace officer shall obtain:

6 (1) Four CLEE hours of legal studies;

7 (2) Four CLEE hours of technical studies;

8 (3) Four CLEE hours of firearms skill development training;

9 (4) Twenty-four CLEE hours of interpersonal perspectives; and

**10 (5) An additional twelve CLEE hours of any combination of legal studies, technical
11 studies, firearms skill development training, and interpersonal perspectives.**

**12 3. No peace officer shall receive CLEE hours for service as an instructor for a
13 CLEE or basic training class or for attending an accredited college or university course
14 related to law enforcement duties or administration.**

590.080. 1. The director shall have cause to discipline any peace officer licensee who:

2 (1) Is unable to perform the functions of a peace officer with reasonable competency or
3 reasonable safety as a result of a mental condition, including alcohol or substance abuse;

4 (2) Has committed any criminal offense, whether or not a criminal charge has been filed;

5 (3) Has committed any act while on active duty or under color of law that involves moral
6 turpitude or a reckless disregard for the safety of the public or any person;

7 (4) Has caused a material fact to be misrepresented for the purpose of obtaining or
8 retaining a peace officer commission or any license issued pursuant to this chapter;

9 (5) Has violated a condition of any order of probation lawfully issued by the director;

10 or

11 (6) Has violated a provision of this chapter or a rule promulgated pursuant to this
12 chapter.

13 2. When the director has knowledge of cause to discipline a peace officer [license]
14 licensee pursuant to this section, the director [may] **shall** cause a complaint to be filed with the
15 administrative hearing commission, which shall conduct a hearing to determine whether the
16 director has cause for discipline, and which shall issue findings of fact and conclusions of law
17 on the matter. The administrative hearing commission shall not consider the relative severity of

18 the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the
19 discretion of the director to determine appropriate discipline when cause exists pursuant to this
20 section.

21 3. Upon a finding by the administrative hearing commission that cause to discipline
22 exists, the director shall, within thirty days, hold a hearing to determine the form of discipline
23 to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue.
24 If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right
25 to such hearing.

26 4. Notice of any hearing pursuant to this chapter or section may be made by certified
27 mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section
28 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities
29 to deliver such certified mail shall be evidence that required notice has been given. Notice may
30 be given by publication.

31 5. Nothing contained in this section shall prevent a licensee from informally disposing
32 of a cause for discipline with the consent of the director by voluntarily surrendering a license or
33 by voluntarily submitting to discipline.

34 6. The provisions of chapter 621 and any amendments thereto, except those provisions
35 or amendments that are in conflict with this chapter, shall apply to and govern the proceedings
36 of the administrative hearing commission and pursuant to this section the rights and duties of the
37 parties involved.

**590.215. 1. Any law enforcement officer who holds a secondary employment
2 position shall report the position to the state highway patrol to be entered into the
3 statewide database established under 590.220. However, no law enforcement officer shall
4 hold a secondary employment position that requires the officer to be certified by the POST
5 commission in order to perform the duties of the position.**

6 **2. Any officer in violation of the provisions of this section shall be subject to
7 immediate dismissal by the law enforcement agency that is his or her primary employer.**

**590.220. 1. Any law enforcement officer who discovers another law enforcement
2 officer has acted or witnesses another law enforcement officer acting in violation of section
3 575.320, any other provision of law, or any similar internal policy shall report the
4 misconduct to his or her immediate supervisor within twenty-four hours of the time the
5 officer discovers or witnesses the alleged misconduct. An internal investigation shall
6 automatically be initiated if such a report is made, regardless of whether the officer has
7 resigned, retired, or is no longer employed by department.**

8 **2. Any internal investigation conducted under subsection 1 of this section or for any
9 other reason shall be reported to the state highway patrol to be entered into a statewide**

10 database accessible by every law enforcement agency in the state. The statewide database
11 shall only be accessible by law enforcement agencies in the state and shall also include
12 information regarding any law enforcement officer's secondary employment, if applicable,
13 as required under section 590.215.

14 3. The state highway patrol shall promulgate rules and regulations it deems
15 necessary to administer the statewide database required by the provisions of this section.
16 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
17 under the authority delegated in this section shall become effective only if it complies with
18 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
19 This section and chapter 536 are nonseverable, and if any of the powers vested with the
20 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
21 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
22 rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be
23 invalid and void.

590.225. 1. Any law enforcement officer who:

2 (1) Is hired by any law enforcement agency for his or her first position as a law
3 enforcement officer;

4 (2) Has been injured in the line of duty and the injury has required the officer to
5 seek assistance from a medical professional;

6 (3) Has discharged his or her firearm; or

7 (4) Has had a firearm discharged at him or her;

8

9 shall undergo a comprehensive psychological evaluation by a licensed medical professional
10 to determine whether the officer is psychologically fit for duty and is not suffering from
11 posttraumatic stress disorder.

12 2. If a law enforcement officer is a veteran of the armed forces and has served on
13 an overseas deployment in which he or she saw combat action, the officer shall undergo
14 deprogramming training to ensure the officer transitions effectively from an active combat
15 state of mind to a community policing state of mind.

16 3. For the purposes of this section, "deprogramming training" shall mean training
17 that provides the ability to remediate learned or trained combat behavior that has the
18 possibility of initiating or causing a negative interaction with a member of the general
19 public.

590.230. Every law enforcement agency in this state shall require forty percent of
2 the law enforcement officers it employs to live within the agency's jurisdiction. Whether

3 **an officer lives within the jurisdiction shall be determined on a first-come, first-served**
4 **basis.**

2 **590.235. Every law enforcement officer shall give a contact card including the**
3 **officer's contact information and a detailed description of the reason for the stop to any**
4 **individual the officer stops while he or she is on duty.**

2 **590.240. No motor vehicle provided to law enforcement personnel or purchased by**
3 **a law enforcement agency shall have been used during combat or shall be a mine-resistant,**
4 **ambush-protected vehicle.**

2 590.650. 1. As used in this section "minority group" means individuals of African,
3 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. Such information may be reported using a format
18 determined by the department of public safety which uses existing citation and report forms.

19 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of
20 this section for the calendar year into a report to the attorney general.

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

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

25 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies
26 required by this section, **distinguish agencies that have racial profiling deficiencies based on**
27 **a disparity index created by the office of the attorney general, create an action plan for the**

28 **agency to lower racial profiling incidents**, and submit a report of the findings to the governor,
29 the general assembly 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 on race-based traffic stops that:

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

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

45 (a) Determine whether any peace officers of the law enforcement agency have a pattern
46 of stopping members of minority groups for violations of vehicle laws in a number
47 disproportionate to the population of minority groups residing or traveling within the jurisdiction
48 of the law enforcement agency; and

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

52 (3) Provides for appropriate counseling and training of any peace officer found to have
53 engaged in race-based traffic stops within ninety days of the review. The course or courses of
54 instruction and the guidelines shall stress understanding and respect for racial and cultural
55 differences, and development of effective, noncombative methods of carrying out law
56 enforcement duties in a racially and culturally diverse environment.

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

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

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

 590.653. 1. **Except as provided in subsection 2 of this section**, each city, county and
2 city not within a county may establish a civilian review board, or may use an existing civilian
3 review board which has been appointed by the local governing body, with the authority to
4 investigate allegations of misconduct by local law enforcement officers towards members of the
5 public. The members shall not receive compensation but shall receive reimbursement from the
6 local governing body for all reasonable and necessary expenses.

7 2. **Any county with a charter form of government and with more than nine hundred**
8 **fifty thousand inhabitants shall establish a civilian review board with the authority to**
9 **investigate allegations of misconduct by local law enforcement officers toward members**
10 **of the public. The members shall not receive compensation but shall receive**
11 **reimbursement from the local governing body for all reasonable and necessary expenses.**

12 3. The board shall have the power to receive, investigate, make findings and recommend
13 disciplinary action upon complaints by members of the public against members of the police
14 department that allege misconduct involving excessive use of force, abuse of authority,
15 discourtesy, or use of offensive language, including, but not limited to, slurs relating to race,
16 ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations
17 of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No
18 finding or recommendation shall be based solely upon an unsworn complaint or statement, nor
19 shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such
20 findings or recommendations.

 590.715. 1. **All uniformed law enforcement and corrections officers in this state**
2 **shall wear a video camera affixed to the law enforcement or corrections officer's uniform**
3 **that records the officer's interactions with any member of the public while he or she is on**
4 **duty.**

5 2. **Any recordings made by a video camera under this section shall be preserved**
6 **unaltered by the law enforcement agency or department of corrections and a third party**
7 **specializing in data storage and chosen by the law enforcement agency or department of**
8 **corrections for a minimum of thirty days. If there is alleged or suspected misconduct by**
9 **any law enforcement or corrections officer, the recordings shall be preserved until any**
10 **investigations or legal proceedings have concluded.**

11 3. **The provisions of subsection 1 of this section shall not apply to detectives or other**
12 **law enforcement officers while they are working in an undercover capacity or to any law**

13 **enforcement or corrections officer in any situation if wearing a video camera would**
14 **endanger the safety of the officer or the public.**

15 **4. Each law enforcement agency shall have on staff to review live video footage**
16 **from a body or dashboard camera:**

17 **(1) An on-shift visual supervisor who shall monitor the footage for police officer**
18 **misconduct and report any potential misconduct to the officer's immediate supervisor; and**

19 **(2) A mental health professional who shall provide assistance to a law enforcement**
20 **officer if he or she makes physical contact with an individual in order to assist with de-**
21 **escalating the situation by attempting to prevent the officer from engaging in another**
22 **physical altercation or deadly situation.**

23 **5. Any person who has tampered with a video camera or the storage of recordings**
24 **required under this section shall be guilty of a class D felony if the crime was committed**
25 **prior to January 1, 2017. If the crime was committed on or after January 1, 2017, the**
26 **person shall be guilty of a class E felony. Evidence of a violation of the provisions of this**
27 **section shall include the theft or damage of the camera or recording.**

610.122. 1. Notwithstanding other provisions of law to the contrary, any record of arrest
2 recorded pursuant to section 43.503 may be expunged if:

3 (1) The court determines that the arrest was based on false information and the following
4 conditions exist:

5 (a) There is no probable cause, at the time of the action to expunge, to believe the
6 individual committed the offense;

7 (b) No charges will be pursued as a result of the arrest; and

8 (c) The subject of the arrest did not receive a suspended imposition of sentence for the
9 offense for which the arrest was made or for any offense related to the arrest; or

10 (2) The court determines the person was arrested for, or was subsequently charged with,
11 a misdemeanor offense of chapter 303 or any moving violation as the term moving violation is
12 defined under section 302.010, except for any intoxication-related traffic offense as
13 intoxication-related traffic offense is defined under section 577.023 and:

14 (a) Each such offense or violation related to the arrest was subsequently nolle prossed
15 or dismissed, or the accused was found not guilty of each offense or violation; and

16 (b) The person is not a commercial driver's license holder and was not operating a
17 commercial motor vehicle at the time of the arrest.

18 2. A record of arrest shall only be eligible for expungement under this section if:

19 (1) The subject of the arrest has no prior or subsequent misdemeanor or felony
20 convictions; and

21 (2) No civil action is pending relating to the arrest or the records sought to be expunged.

22 **3. Notwithstanding the provisions of subsection 2 of this section, a record of arrest**
23 **under section 43.503 may be eligible for expungement if the Department of Justice or the**
24 **United States Attorney General issues a report after an investigation with findings**
25 **indicating that a law enforcement agency engaged in unconstitutional practices or racial**
26 **profiling leading to the arrests of persons within such law enforcement agency's**
27 **jurisdiction.**

✓