

# HOUSE BILL NO. 2132

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BUTLER.

5156H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to investigations of officer-involved incidents.

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

Section A. Chapter 590, RSMo, is amended by adding thereto one new section, to be  
2 known as section 590.513, to read as follows:

3 **590.513. 1. If an officer-involved death occurs, the attorney general shall appoint**  
4 **a special prosecutor to investigate the officer's actions regarding such death. The special**  
5 **prosecutor shall conduct an investigation and determine if charges are appropriate.**

6 **2. If severe officer misconduct is alleged, the attorney general shall determine the**  
7 **validity of the allegation and, if severe officer misconduct likely occurred, appoint a special**  
8 **prosecutor to investigate the officer's actions regarding such incident. The special**  
9 **prosecutor shall conduct an investigation and determine if charges are appropriate.**

10 **3. The attorney general shall have discretion to appoint any attorney licensed in**  
11 **this state as a special prosecutor. Such special prosecutor shall possess all powers of a**  
12 **prosecuting attorney or assistant attorney general in exercising his or her prosecutorial**  
13 **duties. If such special prosecutor is a prosecutor of a county or city not within a county,**  
14 **he or she shall receive no additional compensation for serving as special prosecutor. If the**  
15 **special prosecutor is not a prosecutor of a county or city not within a county, he or she**  
16 **shall receive a reasonable fee for serving as such special prosecutor. Such fee shall be fixed**  
17 **by the judge appointing the attorney and shall be paid from the funds of the office of the**  
18 **prosecutor of the jurisdiction in which the complaint or charges are filed.**

19 **4. For the purposes of this section, the following terms mean:**

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           **(1) "Officer-involved death", the death of an individual that occurred while the**  
19 **individual was in police custody or that results directly from an action or omission by a law**  
20 **enforcement officer while the officer is on duty or while off duty but performing activities**  
21 **that are within the scope of his or her law enforcement duties;**

22           **(2) "Severe officer misconduct", an incident in which an individual is injured as**  
23 **a result of an action or omission by a law enforcement officer while the officer is on duty**  
24 **or while off duty but performing activities that are within the scope of his or her law**  
25 **enforcement duties if such action or omission was illegal.**

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