

SECOND REGULAR SESSION

HOUSE BILL NO. 2235

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

5974H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 590.653, RSMo, and to enact in lieu thereof two new sections relating to civilian review boards.

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

Section A. Section 590.653, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 590.653 and 590.663, to read as follows:

590.653. 1. Each city~~[, county]~~ and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

2. The board shall have the power to receive, investigate, make findings, and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation, and disability. **The board shall have the power to issue search warrants and to summon and compel the attendance of witnesses and the production of books, papers, and electronic documents before the board.** The findings and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the basis for any such findings or recommendations.

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 board may, in its discretion, recuse itself from the review of any complaint**
19 **made by members of the public against members of the police department that allege**
20 **misconduct involving excessive use of force, abuse of authority, discourtesy, or use of**
21 **offensive language including, but not limited to, slurs relating to race, ethnicity, religion,**
22 **gender, sexual orientation, and disability, and instead refer any such complaint to the**
23 **civilian review board of the county in which the municipality sits.**

590.663. 1. Each county in the state shall establish a civilian review board with the
2 **authority to investigate allegations of misconduct by local law enforcement officers towards**
3 **members of the public.**

4 **2. The board shall have the power to receive, investigate, make findings, and**
5 **recommend disciplinary action upon complaints by members of the public against**
6 **members of the police department that allege misconduct involving excessive use of force,**
7 **abuse of authority, discourtesy, or use of offensive language including, but not limited to,**
8 **slurs relating to race, ethnicity, religion, gender, sexual orientation, and disability. The**
9 **board shall have the power to issue search warrants and to summon and compel the**
10 **attendance of witnesses and the production of books, papers, and electronic documents**
11 **before the board.**

12 **3. The findings and recommendations of the board, and the basis therefor, shall be**
13 **submitted to the chief law enforcement official, who shall then refer the cause to a special**
14 **prosecutor for further evaluation. No finding or recommendation shall be based solely**
15 **upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or**
16 **withdrawn complaints be the basis for any such findings or recommendations.**

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