

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 89, Page 13, Section 302.768, Line 67,
2 by inserting after all of said section and line the following:

3
4 "542.288. 1. (1) If a peace officer determines it is necessary to search a vehicle or person
5 inside a vehicle regarding an alleged violation of law or ordinance, the peace officer may conduct
6 the search only after complying with the provisions of subdivision (2) of this subsection.

7 (2) Prior to conducting a search under subdivision (1) of this subsection, a peace officer
8 shall read the following statement either to the person with the authority to provide permission to
9 search the vehicle or to the person who would be subject to the search, whichever applies: "I AM
10 ASKING FOR YOUR CONSENT TO CONDUCT A SEARCH OF THE VEHICLE OR YOUR
11 PERSON. YOU HAVE THE RIGHT TO REFUSE TO CONSENT TO THE SEARCH OR YOU
12 MAY KNOWINGLY, FREELY, AND VOLUNTARILY CONSENT TO THE SEARCH. DO YOU
13 UNDERSTAND THESE RIGHTS AS THEY HAVE BEEN READ TO YOU? DO YOU CHOOSE
14 TO WAIVE YOUR RIGHT TO REFUSE MY REQUESTED SEARCH?"

15 (3) After reading the statement in subdivision (2) of this subsection, a peace officer may
16 conduct the requested search only if the person subject to the search consents, knowingly, freely, and
17 voluntarily, in writing, to the search.

18 2. A peace officer reading the statement required under subdivision (2) of subsection 1 of
19 this section is not required to read the statement verbatim. Substantial compliance with the content
20 of the statement is sufficient to comply with the requirement in subdivision (2) of subsection 1 of
21 this section.

22 3. If the person subject to the search consents knowingly, freely, and voluntarily, such
23 person shall sign a form, which shall include the following information:

24 (1) The date and location of the stop;

25 (2) The name and identification number of the peace officer making the request for consent
26 to search;

27 (3) The names and identification numbers of any additional peace officers who actively
28 participate in the discussion with the driver or passenger or passengers concerning the request for
29 consent to search;

30 (4) A statement informing the driver or other person authorized to give consent of the right
31 to refuse to grant consent to search and that if the driver or other person authorized to give consent
32 grants consent, the driver or other person authorized to give consent at any time for any reason may
33 withdraw consent to search;

34 (5) A statement informing the driver or other person authorized to give consent of the right
35 to be present during the search at a location consistent with the safety of both the peace officer and
36 the motor vehicle occupant or occupants which may be knowingly waived;

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1 (6) Check-off boxes to indicate whether consent has been granted, and if consent is granted,
2 the driver or other person authorized to give consent shall check the appropriate box and sign and
3 date the form; and

4 (7) If the driver or other person authorized to give consent refuses consent, the peace officer
5 or the driver or other person authorized to give consent shall so note on the form and the driver or
6 other person authorized to give consent shall not be required to sign the form.

7 4. A peace officer who requests permission to conduct a search shall document in a written
8 report the following information regardless of whether the request for permission to conduct a
9 search was granted or denied:

10 (1) The name of the driver or other person authorized to give consent to whom the request
11 for consent is directed, and that person's gender, race or ethnicity, and, if known, date of birth;

12 (2) The names and identification numbers of all peace officers who actively participate in
13 the search;

14 (3) The circumstances which constituted the reasonable suspicion giving rise to the request
15 for consent;

16 (4) If consent initially is granted and then withdrawn, the fact that this occurred, and
17 whether the search continued based on probable cause or other nonconsensual ground, or was
18 terminated as a result of the withdrawal of consent;

19 (5) A description of the type and quantity of any contraband or other property seized; and

20 (6) Whether the discussion concerning the request for consent to search or any ensuing
21 consent search was recorded using any mobile video or audio equipment.

22 5. The peace officer shall sign and date the form and the report after each is fully completed.

23 6. A peace officer shall complete a report whenever, during any motor vehicle stop, the
24 peace officer conducts a nonconsensual search of a motor vehicle, excluding vehicle searches begun
25 as a consent search. The report shall include the following information:

26 (1) The date and location of the stop;

27 (2) The names and identification numbers of all peace officers who actively participated in
28 the incident;

29 (3) The driver's name, gender, race or ethnicity, and, if known, date of birth;

30 (4) A description of the circumstances which provided probable cause to conduct the search
31 or otherwise justified the search;

32 (5) A description of the type and quantity of any contraband or other property seized; and

33 (6) Whether the incident was recorded using mobile video or audio equipment.

34 542.289. 1. The reporting peace officer's supervisor shall review each report prepared under
35 section 542.288 within fourteen days of the precipitating incident and, as appropriate, in conjunction
36 with that review, may view any associated mobile video or audio tape.

37 2. The department of public safety shall adopt a protocol requiring that peace officer
38 supervisors review mobile video or audio tapes of motor vehicle stops on a random basis. The
39 protocol shall establish the schedule for conducting random reviews and shall specify whether and
40 in what manner the personnel conducting the review shall prepare a written report on each
41 randomized review of a mobile video or audio tape.

42 3. After conducting a review under subsections 1 and 2 of this section, the personnel
43 conducting the review shall refer for investigation to the appropriate persons any incident that
44 reasonably indicates a possible violation of section 542.288 concerning search and seizure
45 procedures, nondiscrimination requirements, and mobile video or audio equipment use
46 requirements. Subsequent investigation shall be conducted by the attorney general. Appropriate
47 personnel shall evaluate all incidents reviewed to determine the need to implement any intervention
48 for the involved peace officer. If concerns arise, supervisors may require that the peace officer be
49 counseled, receive additional training, or that some other nondisciplinary action be taken.

1 590.650. 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 probable
9 cause for the search, whether the person was searched, whether the person's property was searched,
10 and the duration of the search and the race or ethnicity, approximate age, and gender of each person
11 searched;

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

14 (6) The number of drivers stopped for routine traffic enforcement by peace officers, the
15 peace officer making each stop, the date each stop was made, the agency of the peace officer
16 making each stop, and whether any warning or citation was issued [as a result of the stop];

17 (7) If a warning or citation was issued, the violation charged or warning provided;

18 (8) Whether an arrest was made as a result of either the stop or the search;

19 (9) If an arrest was made, the crime charged; ~~and~~

20 (10) Whether any property was seized, with a description of that property;

21 (11) Whether the peace officer making the stop encountered any physical resistance from
22 the driver or passenger or passengers;

23 (12) Whether the peace officer making the stop engaged in the use of force against the
24 driver, passenger, or passengers for any reason;

25 (13) Whether any injuries resulted from the stop;

26 (14) Whether the circumstances surrounding the stop were the subject of any investigation
27 and the results of that investigation;

28 (15) Whether any written citation or any oral or written warning was issued as a result of the
29 stop; and

30 (16) The location of the stop. If the peace officer making the stop is a member of the
31 Missouri state highway patrol, the location shall be the highway patrol troop location and county in
32 which the stop was made. For all other peace officers, the location shall be the city or county in
33 which the stop was made. Such information may be reported using a format determined by the
34 department of public safety which uses existing citation and report forms.

35 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this
36 section for the calendar year into a report to the attorney general.

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

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

41 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies
42 required by this section and submit a report of the findings to the governor, the general assembly
43 and each law enforcement agency no later than June first of each year.

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

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

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

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

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

5 5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

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

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

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

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

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

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

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

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

30 9. Each peace officer making a stop covered by subdivision (6) of subsection 2 of this
31 section shall be assigned an anonymous identification number by the peace officer's employing
32 agency. The anonymous identifying number shall be public record and shall be reported to the
33 criminal justice information services division within the Missouri state highway patrol to be
34 correlated along with the data collected under subsection 2 of this section. The correlation between
35 the identification numbers and the names of the peace officers shall not be a public record and shall
36 not be disclosed by the law enforcement agency except when required by order of a court of
37 competent jurisdiction to resolve a claim or defense properly before the court.

38 590.651. 1. The department of public safety shall create a management awareness program
39 to develop and implement computerized systems for maintaining and retrieving information
40 necessary for the supervision and management of peace officers to promote professionalism and
41 civil rights integrity, to identify and modify potentially problematic behavior, and to promote best
42 practices.

43 2. The management awareness program shall consist of the following information:

44 (1) All items of information in connection with all motor vehicle stops that are to be
45 recorded in a written report, form, or log, under section 590.650, except duplicate information need
46 not be entered, and information as to whether the incident was recorded with any mobile video or
47 audio equipment unless a patrol vehicle was equipped with mobile video or audio equipment that
48 was not functioning;

49 (2) Information on civilian compliments and other indicia of positive performance;

1 information on misconduct investigations; reports on use of force associated with motor vehicle
2 stops; on-duty and off-duty criminal arrest and criminal charges; civil suits involving alleged
3 misconduct by peace officers while on duty; and civil suits in which a peace officer is named as a
4 party involving off-duty conduct that alleges racial bias, physical violence, or threats of violence;
5 and

6 (3) Implementation of interventions and training information including the name of the
7 course, date started, date completed, and training location for each member receiving training.

8 3. All information in the management awareness program on substantiated misconduct
9 investigations, civilian compliments, and other indicia of positive performance which can be
10 attributed to a specific peace officer shall be made available to that peace officer on an annual basis
11 upon written request. Nothing in this subsection shall be construed as granting such peace officer
12 access to confidential documents other than those identified in this subsection, or to any information
13 which cannot be attributed to the peace officer requesting the information.

14 4. If information about a single incident is included within the management awareness
15 program from more than one document, a common control number or other means to link the
16 information from different sources shall be used so that the user can cross-reference the information
17 and perform analyses.

18 5. The department of public safety shall ensure that information included within the
19 management awareness program in an accurate and timely fashion and is maintained in a secure
20 manner."; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.