

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Bill No. 2, Page 7, Section 313.220, Line 19, by inserting after all of the  
2 following 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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 grants consent, the driver or other person authorized to give consent at any time for any reason may  
2 withdraw consent to search;

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

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

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

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

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

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

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

21 (4) If consent initially is granted and then withdrawn, the fact that this occurred, and  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

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

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

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

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

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

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

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

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

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

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

39 542.289. 1. The reporting peace officer's supervisor shall review each report prepared under  
40 section 542.288 within fourteen days of the precipitating incident and, as appropriate, in conjunction  
41 with that review, may view any associated mobile video or audio tape.

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

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

Further amend said bill, Pages 13-19, Section 590.650, Lines 1-210, by deleting all of said section and lines and inserting in lieu thereof the following:

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

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

(1) The age, gender and race or minority group of the individual stopped;  
 (2) The reasons for the stop;  
 (3) Whether a search was conducted as a result of the stop;  
 (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search and the race or ethnicity, approximate age, and gender of each person searched;

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

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

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

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

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

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

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

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

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

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

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

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

11       3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this  
12 section for the calendar year into a report to the attorney general.

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

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

17       4. (1) The attorney general shall analyze the annual reports of law enforcement agencies  
18 required by this section and submit a report of the findings to the governor, the general assembly  
19 and each law enforcement agency no later than June first of each year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 590.651. 1. The department of public safety shall create a management awareness program  
23 to develop and implement computerized systems for maintaining and retrieving information  
24 necessary for the supervision and management of peace officers to promote professionalism and  
25 civil rights integrity, to identify and modify potentially problematic behavior, and to promote best  
26 practices.

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

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

33 (2) Information on civilian compliments and other indicia of positive performance;  
34 information on misconduct investigations; reports on use of force associated with motor vehicle  
35 stops; on-duty and off-duty criminal arrest and criminal charges; civil suits involving alleged  
36 misconduct by peace officers while on duty; and civil suits in which a peace officer is named as a  
37 party involving off-duty conduct that alleges racial bias, physical violence, or threats of violence;  
38 and

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

41 3. All information in the management awareness program on substantiated misconduct

1 investigations, civilian compliments, and other indicia of positive performance which can be  
2 attributed to a specific peace officer shall be made available to that peace officer on an annual basis  
3 upon written request. Nothing in this subsection shall be construed as granting such peace officer  
4 access to confidential documents other than those identified in this subsection, or to any information  
5 which cannot be attributed to the peace officer requesting the information.

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

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

13  
14 Further amend said bill by amending the title, enacting clause, and intersectional references  
15 accordingly.