

HOUSE COMMITTEE BILL NO. 2

AN ACT

To repeal sections 221.150, 311.060, 311.660, 313.220, 543.270, 558.006, 559.016, 559.600, and 590.650, RSMo, and to enact in lieu thereof fourteen new sections relating to criminal justice, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 221.150, 311.060, 311.660, 313.220, 543.270, 558.006, 559.016, 559.600, and 590.650, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 217.149, 217.199, 217.697, 221.065, 221.150, 311.060, 311.660, 313.220, 543.270, 558.006, 558.043, 559.016, 559.600, and 590.650, to read as follows:

217.149. 1. Female inmates in the last trimester of pregnancy may be considered for a pregnancy furlough if the chief medical administrator verifies that the level of medical care that will be rendered to the inmate outside the correctional center is comparable to or greater than that which could be rendered to the inmate within the correctional center.

2. A plan of community supervision shall be developed by a probation or parole officer and approved by the chief administrative officer of the inmate's correctional center, and arrangements shall be made for monitoring the inmate's activities while on furlough. The plan of community supervision shall include supervision contact by the division of probation and parole while the inmate is on furlough status. The correctional

1 center placing the inmate on furlough status shall contact the
2 division of probation and parole in the district where the inmate
3 will be residing during the furlough period and develop community
4 control supervision contact standards. The developed plan shall
5 be attached to the furlough request.

6 3. The correctional center placing the inmate on furlough
7 status shall be responsible for the monitoring of the inmate's
8 progress while on the furlough. Monitoring shall include any
9 changes in the inmate's medical condition or any violations of
10 the rules concerning the furlough. Any changes or violations
11 detected shall be reported immediately to the chief
12 administrative officer of the correctional center placing the
13 inmate on furlough.

14 4. The chief administrative officer of the correctional
15 center is authorized to terminate a pregnancy furlough at any
16 time during the furlough period for noncompliance with the
17 conditions of the furlough. The pregnancy furlough shall be
18 terminated within one week after a satisfactory six-week
19 postpartum examination for a vaginal birth or eight-week
20 postpartum examination for a cesarean birth.

21 217.199. 1. As used in this section, "healthcare products"
22 include tampons and sanitary napkins.

23 2. The director shall ensure that healthcare products are
24 available for free to offenders while confined in any
25 correctional center of the department, in a quantity that is
26 appropriate for the healthcare needs of each offender. The
27 director shall ensure that the healthcare products conform with

1 applicable industry standards.

2 217.697. 1. Notwithstanding any other provision of law,
3 any offender who:

4 (1) Is incarcerated in a correctional facility after being
5 sentenced by a court of this state;

6 (2) Is serving a sentence of life without parole for a
7 minimum of fifty years or more and who was sentenced under
8 section 565.008 prior to October 1, 1984;

9 (3) Is sixty-five years of age or older;

10 (4) Has no felony conviction for a dangerous felony, as
11 defined under section 556.061, prior to the conviction for which
12 he or she is currently incarcerated; and

13 (5) Is not a convicted sex offender

14
15 shall receive a parole hearing upon serving thirty years or more
16 of his or her sentence.

17 2. During the parole hearing required under subsection 1 of
18 this section, the parole board shall determine whether there is a
19 reasonable probability the offender shall live and remain at
20 liberty without violating the law upon release. If the board
21 determines a reasonable probability exists, the offender shall be
22 eligible for release upon a finding that the offender has:

23 (1) A record of good conduct while incarcerated;

24 (2) Demonstrated self-rehabilitation while incarcerated;

25 (3) A workable parole plan, including community and family
26 support;

27 (4) An institutional risk factor score no higher than one;

1 and

2 (5) A mental health score of one, two, or three.

3 3. Any offender granted parole under this section shall be
4 subject to a minimum of five years of supervision by the board of
5 probation and parole upon release.

6 4. If the division does not grant parole to an offender who
7 qualifies for parole eligibility under subsection 1 of this
8 section, the offender shall be eligible for a parole
9 reconsideration hearing every two years until a presumptive
10 release date is established.

11 5. Nothing in this section shall diminish the consideration
12 of parole under any other provision of law applicable to the
13 offender or the responsibility and authority of the governor to
14 grant clemency, including pardons and commutation of sentences if
15 necessary or desirable.

16 221.065. 1. As used in this section, "healthcare products"
17 include tampons and sanitary napkins.

18 2. Every sheriff and jailer who holds a person in custody
19 pursuant to a writ or process or for a criminal offense shall
20 ensure that healthcare products are available for free to such
21 person while in custody, in a quantity that is appropriate for
22 the healthcare needs of the person. The sheriff or jailer shall
23 ensure that the healthcare products conform with applicable
24 industry standards.

25 221.150. 1. The county commission of any county in which a
26 prisoner may be confined, whenever satisfied of the necessity of
27 so doing, may make an allowance for placing such prisoner under

1 irons, which shall be paid out of the treasury of the county in
2 which the cause originated.

3 2. If an inmate is placed in restraints, as that term is
4 defined under section 217.151, county and city jails shall comply
5 with the regulations under section 217.151.

6 311.060. 1. No person shall be granted a license hereunder
7 unless such person is of good moral character and a qualified
8 legal voter and a taxpaying citizen of the county, town, city or
9 village, nor shall any corporation be granted a license hereunder
10 unless the managing officer of such corporation is of good moral
11 character and a qualified legal voter and taxpaying citizen of
12 the county, town, city or village; and, except as otherwise
13 provided under subsection 7 of this section, no person shall be
14 granted a license or permit hereunder whose license as such
15 dealer has been revoked, or who has been convicted, since the
16 ratification of the twenty-first amendment to the Constitution of
17 the United States, of a violation of the provisions of any law
18 applicable to the manufacture or sale of intoxicating liquor, or
19 who employs in his or her business as such dealer any person
20 whose license has been revoked unless five years have passed
21 since the revocation as provided under subsection 6 of this
22 section, or who has been convicted of violating such law since
23 the date aforesaid; provided, that nothing in this section
24 contained shall prevent the issuance of licenses to nonresidents
25 of Missouri or foreign corporations for the privilege of selling
26 to duly licensed wholesalers and soliciting orders for the sale
27 of intoxicating liquors to, by or through a duly licensed

1 wholesaler, within this state.

2 2. (1) No person, partnership or corporation shall be
3 qualified for a license under this law if such person, any member
4 of such partnership, or such corporation, or any officer,
5 director, or any stockholder owning, legally or beneficially,
6 directly or indirectly, ten percent or more of the stock of such
7 corporation, or other financial interest therein, or ten percent
8 or more of the interest in the business for which the person,
9 partnership or corporation is licensed, or any person employed in
10 the business licensed under this law shall have had a license
11 revoked under this law except as otherwise provided under
12 subsections 6 and 7 of this section, or shall have been convicted
13 of violating the provisions of any law applicable to the
14 manufacture or sale of intoxicating liquor since the ratification
15 of the twenty-first amendment to the Constitution of the United
16 States, or shall not be a person of good moral character.

17 (2) No license issued under this chapter shall be denied,
18 suspended, revoked or otherwise affected based solely on the fact
19 that an employee of the licensee has been convicted of a felony
20 unrelated to the manufacture or sale of intoxicating liquor.

21 ~~[Each employer shall report the identity of any employee~~
22 ~~convicted of a felony to the division of liquor control.]~~ The
23 division of liquor control shall promulgate rules to enforce the
24 provisions of this subdivision.

25 (3) No wholesaler license shall be issued to a corporation
26 for the sale of intoxicating liquor containing alcohol in excess
27 of five percent by weight, except to a resident corporation as

1 defined in this section.

2 3. A "resident corporation" is defined to be a corporation
3 incorporated under the laws of this state, all the officers and
4 directors of which, and all the stockholders, who legally and
5 beneficially own or control sixty percent or more of the stock in
6 amount and in voting rights, shall be qualified legal voters and
7 taxpaying citizens of the county and municipality in which they
8 reside and who shall have been bona fide residents of the state
9 for a period of three years continuously immediately prior to the
10 date of filing of application for a license, provided that a
11 stockholder need not be a voter or a taxpayer, and all the
12 resident stockholders of which shall own, legally and
13 beneficially, at least sixty percent of all the financial
14 interest in the business to be licensed under this law; provided,
15 that no corporation, licensed under the provisions of this law on
16 January 1, 1947, nor any corporation succeeding to the business
17 of a corporation licensed on January 1, 1947, as a result of a
18 tax-free reorganization coming within the provisions of Section
19 112, United States Internal Revenue Code, shall be disqualified
20 by reason of the new requirements herein, except corporations
21 engaged in the manufacture of alcoholic beverages containing
22 alcohol in excess of five percent by weight, or owned or
23 controlled, directly or indirectly, by nonresident persons,
24 partnerships or corporations engaged in the manufacture of
25 alcoholic beverages containing alcohol in excess of five percent
26 by weight.

27 4. The term "financial interest" as used in this chapter is

1 defined to mean all interest, legal or beneficial, direct or
2 indirect, in the capital devoted to the licensed enterprise and
3 all such interest in the net profits of the enterprise, after the
4 payment of reasonable and necessary operating business expenses
5 and taxes, including interest in dividends, preferred dividends,
6 interest and profits, directly or indirectly paid as compensation
7 for, or in consideration of interest in, or for use of, the
8 capital devoted to the enterprise, or for property or money
9 advanced, loaned or otherwise made available to the enterprise,
10 except by way of ordinary commercial credit or bona fide bank
11 credit not in excess of credit customarily granted by banking
12 institutions, whether paid as dividends, interest or profits, or
13 in the guise of royalties, commissions, salaries, or any other
14 form whatsoever.

15 5. The supervisor shall by regulation require all
16 applicants for licenses to file written statements, under oath,
17 containing the information reasonably required to administer this
18 section. Statements by applicants for licenses as wholesalers
19 and retailers shall set out, with other information required,
20 full information concerning the residence of all persons
21 financially interested in the business to be licensed as required
22 by regulation. All material changes in the information filed
23 shall be promptly reported to the supervisor.

24 6. Any person whose license or permit issued under this
25 chapter has been revoked shall be automatically eligible to work
26 as an employee of an establishment holding a license or permit
27 under this chapter five years after the date of the revocation.

1 7. Any person whose license or permit issued under this
2 chapter has been revoked shall be eligible to apply and be
3 qualified for a new license or permit five years after the date
4 of the revocation. The person may be issued a new license or
5 permit at the discretion of the division of alcohol and tobacco
6 control. If the division denies the request for a new permit or
7 license, the person may not submit a new application for five
8 years from the date of the denial. If the application is
9 approved, the person shall pay all fees required by law for the
10 license or permit. Any person whose request for a new license or
11 permit is denied may seek a determination by the administrative
12 hearing commission as provided under section 311.691.

13 311.660. 1. The supervisor of liquor control shall have
14 the authority to suspend or revoke for cause all such licenses;
15 and to make the following regulations, without limiting the
16 generality of provisions empowering the supervisor of liquor
17 control as in this chapter set forth as to the following matters,
18 acts and things:

19 (1) Fix and determine the nature, form and capacity of all
20 packages used for containing intoxicating liquor of any kind, to
21 be kept or sold under this law;

22 (2) Prescribe an official seal and label and determine the
23 manner in which such seal or label shall be attached to every
24 package of intoxicating liquor so sold under this law; this
25 includes prescribing different official seals or different labels
26 for the different classes, varieties or brands of intoxicating
27 liquor;

1 (3) Prescribe all forms, applications and licenses and such
2 other forms as are necessary to carry out the provisions of this
3 chapter, except that when a licensee substantially complies with
4 all requirements for the renewal of a license by the date on
5 which the application for renewal is due, such licensee shall be
6 permitted at least an additional ten days from the date notice is
7 sent that the application is deficient, in which to complete the
8 application;

9 (4) Prescribe the terms and conditions of the licenses
10 issued and granted under this law;

11 (5) Prescribe the nature of the proof to be furnished and
12 conditions to be observed in the issuance of duplicate licenses,
13 in lieu of those lost or destroyed;

14 (6) Establish rules and regulations for the conduct of the
15 business carried on by each specific licensee under the license,
16 and such rules and regulations if not obeyed by every licensee
17 shall be grounds for the revocation or suspension of the license;

18 (7) The right to examine books, records and papers of each
19 licensee and to hear and determine complaints against any
20 licensee;

21 (8) To issue subpoenas and all necessary processes and
22 require the production of papers, to administer oaths and to take
23 testimony;

24 (9) Prescribe all forms of labels to be affixed to all
25 packages containing intoxicating liquor of any kind; and

26 (10) To make such other rules and regulations as are
27 necessary and feasible for carrying out the provisions of this

chapter, as are not inconsistent with this law.

2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit persons from participating in the sale of intoxicating liquor within the scope of their employment solely on the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and 311.193.

313.220. 1. The commission shall promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable to fully implement the mandate of the people expressed in the approval of the lottery amendment to Article III of the Missouri Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The commission shall have the authority to require a fingerprint background check on any person seeking employment or employed by the commission, any person seeking contract with or contracted to the commission and any person seeking license from or licensed by the commission. The background check shall include a check of the Missouri criminal records repository and when the commission deems it necessary to perform a nationwide criminal history check, a check of the Federal Bureau of Investigation's criminal records file. Fingerprints shall be submitted to the Missouri criminal records repository as

1 required. Notwithstanding the provisions of section 610.120, the
2 commission shall have access to closed criminal history
3 information when fingerprints are submitted. The commission
4 shall not prohibit a person from participating in the sale of
5 lottery tickets solely on the basis of the person being found
6 guilty of any criminal offense; except that, the person shall not
7 be eligible to be a licensed lottery game retailer under
8 subsection 2 of section 313.260.

9 543.270. ~~[1. When any person shall be unable to pay any~~
10 ~~fine and costs assessed against him, the associate circuit judge~~
11 ~~shall have power, at the request of the defendant, to commute~~
12 ~~such fine and costs to imprisonment in the county jail, which~~
13 ~~shall be credited at the rate of ten dollars of such fine and~~
14 ~~costs for each day's imprisonment.~~

15 ~~——2.]~~ When a fine is assessed by ~~[an]~~ a municipal judge,
16 associate circuit judge, or circuit judge, it shall be within his
17 or her discretion to provide for the payment of the fine on an
18 installment basis under such terms and conditions as he or she
19 may deem appropriate. In no event shall the recovery of costs
20 incurred by a municipality or county for the detention,
21 imprisonment, or holding of any person be the subject of any
22 condition of probation, nor shall the failure to pay such costs
23 be the sole basis for the issuance of a warrant.

24 558.006. ~~[1.]~~ When an offender sentenced to pay a fine
25 defaults in the payment of the fine or in any installment, ~~[the~~
26 ~~court upon motion of the prosecuting attorney or upon its own~~
27 ~~motion may require him or her to show cause why he or she should~~

1 ~~not be imprisoned for nonpayment. The court may issue a warrant~~
2 ~~of arrest or a summons for his or her appearance.~~

3 ~~—— 2. Following an order to show cause under subsection 1 of~~
4 ~~this section, unless the offender shows that his or her default~~
5 ~~was not attributable to an intentional refusal to obey the~~
6 ~~sentence of the court, or not attributable to a failure on his or~~
7 ~~her part to make a good faith effort to obtain the necessary~~
8 ~~funds for payment, the court may order the defendant imprisoned~~
9 ~~for a term not to exceed one hundred eighty days if the fine was~~
10 ~~imposed for conviction of a felony or thirty days if the fine was~~
11 ~~imposed for conviction of a misdemeanor or infraction. The court~~
12 ~~may provide in its order that payment or satisfaction of the fine~~
13 ~~at any time will entitle the offender to his or her release from~~
14 ~~such imprisonment or, after entering the order, may at any time~~
15 ~~reduce the sentence for good cause shown, including payment or~~
16 ~~satisfaction of the fine.~~

17 ~~—— 3. If it appears that the default in the payment of a fine~~
18 ~~is excusable under the standards set forth in subsection 2 of~~
19 ~~this section, the court may enter an order allowing the offender~~
20 ~~additional time for payment, reducing the amount of the fine or~~
21 ~~of each installment, or revoking the fine or the unpaid portion~~
22 ~~in whole or in part.~~

23 ~~—— 4. When a fine is imposed on a corporation it is the duty~~
24 ~~of the person or persons authorized to make disbursement of the~~
25 ~~assets of the corporation and their superiors to pay the fine~~
26 ~~from the assets of the corporation. The failure of such persons~~
27 ~~to do so shall render them subject to imprisonment under~~

~~subsections 1 and 2 of this section.~~

~~5. Upon default in the payment of a] the fine or [any]~~
installment ~~[thereof, the fine may]~~ shall be collected by any
means authorized for the ~~[enforcement]~~ collection of money
judgments, or may be waived at the discretion of the sentencing
judge.

558.043. Notwithstanding any other provision of law, in
sentencing a person convicted of an offense for which there is a
statutory minimum sentence or a minimum prison term required by
section 558.019 but that did not:

(1) Include the use, attempted use, or threatened use of
serious physical force by the defendant against another person or
result in the serious physical injury of another person by the
defendant;

(2) Involve any sexual offense by the defendant against a
minor other than an offense involving sexual contact if the
victim was fourteen years of age or older and the defendant was
not more than four years older than the victim and the sexual
contact was consensual; or

(3) Include the brandishing or discharge of a firearm by
the defendant,

the court may depart from the applicable statutory minimum
sentence or minimum prison term required by section 558.019 if
the court finds substantial and compelling reasons on the record
that, giving due regard to the nature of the offense, the history
and character of the defendant, and his or her chances of

1 successful rehabilitation, imposition of the statutory minimum
2 sentence or minimum prison term required by section 558.019 would
3 result in substantial injustice to the defendant or is not
4 necessary for the protection of the public.

5 559.016. 1. Unless terminated as provided in section
6 559.036 or modified under section 217.703, the terms during which
7 each probation shall remain conditional and be subject to
8 revocation are:

9 (1) A term of years not less than one year and not to
10 exceed five years for a felony;

11 (2) A term not less than six months and not to exceed [~~two~~
12 ~~years~~] eighteen months for a misdemeanor or municipal ordinance
13 violation;

14 (3) A term not less than six months and not to exceed one
15 year for an infraction.

16 2. The court shall designate a specific term of probation
17 at the time of sentencing or at the time of suspension of
18 imposition of sentence. Such term may be modified by the
19 division of probation and parole under section 217.703.

20 3. The court may extend a period of probation[~~7~~]; however,
21 no more than one extension of any probation may be ordered,
22 except that the court may extend the total time on probation by
23 one additional year by order of the court if the defendant admits
24 he or she has violated the conditions of his or her probation or
25 is found by the court to have violated the conditions of his or
26 her probation. Total time on any probation term, including any
27 extension, shall not exceed the maximum term as established in

1 subsection 1 of this section plus one additional year if the
2 defendant admits or the court finds that the defendant has
3 violated the conditions of his or her probation.

4 559.600. 1. In cases where the board of probation and
5 parole is not required under section 217.750 to provide probation
6 supervision and rehabilitation services for misdemeanor
7 offenders, the circuit and associate circuit judges in a circuit
8 may contract with one or more private entities or other
9 court-approved entity to provide such services. The
10 court-approved entity, including private or other entities, shall
11 act as a misdemeanor probation office in that circuit and shall,
12 pursuant to the terms of the contract, supervise persons placed
13 on probation by the judges for class A, B, C, and D misdemeanor
14 offenses, specifically including persons placed on probation for
15 violations of section 577.023. Nothing in sections 559.600 to
16 559.615 shall be construed to prohibit the board of probation and
17 parole, or the court, from supervising misdemeanor offenders in a
18 circuit where the judges have entered into a contract with a
19 probation entity.

20 2. In all cases, the entity providing such private
21 probation service shall utilize the cutoff concentrations
22 utilized by the department of corrections with regard to drug and
23 alcohol screening for clients assigned to such entity. A drug
24 test is positive if drug presence is at or above the cutoff
25 concentration or negative if no drug is detected or if drug
26 presence is below the cutoff concentration. No client shall be
27 required to submit to an alcohol or drug test unless the client

1 is on probation for an offense that involved either alcohol or a
2 controlled substance or unless ordered by the judge for good
3 cause shown.

4 3. In all cases, the entity providing such private
5 probation service shall not require the clients assigned to such
6 entity to travel in excess of fifty miles in order to attend
7 their regular probation meetings.

8 590.650. 1. The provisions of this section shall be known
9 and may be cited as "The John Ashcroft Fourth Amendment
10 Affirmation Act". As used in this section [~~"minority group"~~
11 ~~means individuals of African, Hispanic, Native American or Asian~~
12 ~~descent~~] the following terms mean:

13 (1) "Benchmark", the number used as a basis of comparison
14 in determining possible disproportions in law enforcement
15 activities, which shall only include the following:

16 (a) The benchmark for measuring disproportions in vehicle
17 stops shall be the proportions of drivers in racial or ethnic
18 groups residing in a jurisdiction;

19 (b) The benchmark for measuring disproportions in post-stop
20 activities shall be the racial or ethnic group's proportion of
21 stops; and

22 (c) The benchmark used to measure disproportions in hit
23 rates shall be the group proportions of drivers searched;

24 (2) "Consent search", a search authorized by the consent of
25 the individual, not by probable cause;

26 (3) "Discriminatory policing", circumstances in which the
27 peace officer's actions are based in whole or in part on the real

or perceived race, ethnicity, religious beliefs, gender, English language proficiency, status as a person with a disability, or a person's national origin rather than upon specific and articulable facts which, taken together with rational inferences from those facts, reasonably indicate criminal activity.

"Discriminatory policing" does not include investigations of alleged crimes when law enforcement must seek out suspects who match a specifically delineated description;

(4) "Hit rate", the rate of searches in which contraband is found. The hit rate is calculated by dividing the number of searches that yield contraband by the total number of searches. Hit rate may be calculated for individual officers, agencies, or multiple agencies;

(5) "Investigative stop", any stop, by a peace officer, of a motor vehicle based on reasonable suspicion or probable cause and not a motor vehicle violation. Investigative stops can involve calls for service, stops conducted in support of an agency investigation, stops conducted because of a peace officer's observations, stops made at a sobriety checkpoint or other road block, or other investigatory stops;

(6) "Minority group", individuals of African, Hispanic, Native American, or Asian descent;

(7) "Ratio of disparity", the ratio of the rate of stops or other peace officer activities for a non-white group as compared to the rate for the white group. The ratio of disparity for the white group shall be the white group rate compared to the rate for non-white groups;

1 (8) "Significant disproportion", a ratio of disparity that
2 differs significantly from the overall state ratio of disparity
3 for any minority group for that category of peace officer
4 activity. The attorney general shall determine what deviation
5 from the overall state ratio of disparity warrants further
6 scrutiny after considering factors other than discrimination.
7 The attorney general shall find any ratio of disparity that is
8 over one hundred twenty-five percent of the overall state
9 disparity for any minority group for that category of peace
10 officer activity to be a significant disproportion.

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

15 (1) The age, gender and race or minority group of the
16 individual stopped;

17 (2) Whether the driver resides in the jurisdiction of the
18 stop;

19 (3) The reasons for the stop. Reasons for an investigative
20 stop include, but are not limited to, calls for service, stops
21 conducted in support of an agency investigation, stops conducted
22 because of a peace officer's observations, and stops made at a
23 sobriety checkpoint or other road block;

24 ~~[(3)]~~ (4) Whether a search was conducted as a result of the
25 stop;

26 ~~[(4)]~~ (5) If a search was conducted, whether the individual
27 consented to the search, how the individual's consent was

1 documented, the probable cause for the search, whether the person
2 was searched, whether the person's property was searched, and the
3 duration of the search;

4 ~~[(5)]~~ (6) Whether any contraband was discovered in the
5 course of the search and the type of any contraband discovered;

6 ~~[(6)]~~ (7) Whether any warning or citation was issued as a
7 result of the stop;

8 ~~[(7)]~~ (8) If a warning or citation was issued, the
9 violation charged or warning provided;

10 ~~[(8)]~~ (9) Whether an arrest was made as a result of either
11 the stop or the search;

12 ~~[(9)]~~ (10) If an arrest was made, the crime charged; ~~[and]~~

13 ~~[(10)]~~ (11) The location of the stop; and

14 (12) The municipal or state infraction for which the
15 individual was stopped.

16
17 Such information ~~[may]~~ shall be ~~[reported using a format~~
18 ~~determined by the department of public safety which uses existing~~
19 ~~citation and report forms]~~ submitted to the attorney general as a
20 single report indicating for each traffic stop the required
21 information on the driver and stop. The format of the report
22 shall be determined by the attorney general. No personnel
23 information shall be disclosed.

24 3. (1) Each law enforcement agency shall compile the data
25 described in subsection 2 of this section for the calendar year
26 ~~[into a]~~ and send the stop report to the attorney general.

27 (2) Each law enforcement agency shall submit the stop

1 report to the attorney general no later than March first of the
2 following calendar year.

3 (3) The attorney general shall determine the format that
4 all law enforcement agencies shall use to submit the report. The
5 attorney general may allow the department of public safety to
6 extract the data from other reports filed by law enforcement
7 agencies.

8 4. (1) The attorney general shall analyze the annual stop
9 reports of law enforcement agencies required by this section and
10 submit a report of the findings to the governor, the general
11 assembly and each law enforcement agency no later than June first
12 of each year.

13 (2) The report shall identify situations in which data
14 submitted by agencies indicate that racial and ethnic groups are
15 disproportionately affected by law enforcement activity so that
16 further analysis may be conducted to determine whether peace
17 officers are engaging in discriminatory policing.

18 (3) The report shall provide group ratios of disparity for
19 all categories of stops, post-stop activities, searches, and
20 contraband found, using appropriate benchmarks as defined in
21 subsection 1 of this section.

22 (4) The report of the attorney general shall include at
23 least the following information for each agency and for the state
24 overall:

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

27 (b) The number and percentage of stopped motor vehicles

1 that were driven by members of each particular minority group;

2 (c) ~~【A comparison of the percentage of stopped motor~~
3 ~~vehicles driven by each minority group and the percentage of the~~
4 ~~state's population that each minority group comprises】~~ Ratios of
5 disparity for all categories of stops, post-stop activities,
6 searches, and contraband using appropriate benchmarks as defined
7 in subsection 1 of this section; and

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

10 5. (1) Each law enforcement agency shall adopt a policy on
11 ~~【race-based traffic stops】~~ discriminatory policing that:

12 ~~【(1)】~~ (a) Prohibits ~~【the practice of routinely stopping~~
13 ~~members of minority groups for violations of vehicle laws as a~~
14 ~~pretext for investigating other violations of criminal law】~~
15 discriminatory policing;

16 ~~【(2)】~~ (b) Provides for ~~【periodic】~~ annual reviews by the law
17 enforcement agency of the annual report of the attorney general
18 required by subsection 4 of this section that:

19 ~~【(a)】~~ a. Determine whether any peace officers of the law
20 enforcement agency have a pattern of stopping members of minority
21 groups for violations of vehicle laws in a number
22 disproportionate to the population of minority groups residing or
23 traveling within the jurisdiction of the law enforcement agency;
24 and

25 ~~【(b)】~~ b. If the review reveals a pattern, require an
26 investigation to determine whether any peace officers of the law
27 enforcement agency ~~【routinely stop members of minority groups for~~

1 ~~violations of vehicle laws as a pretext for investigating other~~
2 ~~violations of criminal law; and]~~ engaged in discriminatory
3 policing;

4 c. Include a review of complaints received by the law
5 enforcement agency and a breakdown of which complaints were
6 verified, found to be unfounded, remain active, and what steps
7 were taken to address verified complaints. The review of
8 complaints shall indicate the number of complaints alleging
9 discriminatory policing that a law enforcement agency received;
10 and

11 d. The results of the review shall be made public, however,
12 no personnel information shall be disclosed; and

13 ~~[(3)]~~ (c) Provides for appropriate discipline, up to and
14 including dismissal, counseling, and training of any peace
15 officer found to have engaged in ~~[race-based traffic stops]~~
16 discriminatory policing within ninety days of the review.

17
18 The course or courses of instruction and the guidelines shall
19 stress understanding and respect for racial and cultural
20 differences, cultural competency, and development of effective,
21 noncombative methods of carrying out law enforcement duties in a
22 racially and culturally diverse environment.

23 (2) Each policy shall be in writing and accessible by the
24 public. The attorney general shall certify that the
25 discriminatory policing policy of each agency is substantially
26 equivalent to the requirements of this subsection.

27 (3) Each policy shall put in place procedures to eliminate

1 discriminatory policing.

2 6. Each law enforcement agency shall establish policies to
3 eliminate discriminatory policing in the administration of
4 consent searches. The procedures shall include the following:

5 (1) A peace officer shall have specific and articulable
6 facts about the individual that, taken together with rational
7 inferences from those facts, lead the peace officer to reasonably
8 believe a search is needed;

9 (2) The peace officer shall document, in writing, such
10 specific articulable facts about the circumstances leading to the
11 request for consent in individual searches and if multiple
12 searches take place under the same circumstances at or near the
13 same time;

14 (3) Prior to requesting consent for a search, a peace
15 officer shall communicate orally or in writing, in a language
16 that the person being questioned clearly understands, that the
17 person's consent must be voluntary, that the voluntary consent
18 authorizes the search even if the peace officer does not have
19 probable cause to search, that the lawfulness of the search
20 cannot be challenged in court if consent is given, and that the
21 person has the right to refuse the request to search;

22 (4) After providing such advisement, a peace officer shall
23 obtain voluntary written or recorded audio or video consent to
24 the search;

25 (5) The peace officer shall document whether the person
26 from whom the search was requested provided written consent, if
27 that consent was recorded by audio or video, or whether consent

1 was denied, and the law enforcement agency will submit this data
2 for compilation in the attorney general's vehicle stop report;

3 (6) The peace officer shall not ask for consent when he or
4 she has probable cause to conduct a search;

5 (7) Any evidence obtained as a result of a search
6 prohibited by this section shall be inadmissible in any judicial
7 proceeding; and

8 (8) Nothing contained in this subsection shall be construed
9 to preclude a search based upon probable cause.

10 7. (1) If a law enforcement agency fails to comply with
11 the provisions of this section, the governor may withhold any
12 state funds appropriated to the noncompliant law enforcement
13 agency.

14 (2) If a law enforcement agency's data shows for three
15 consecutive years a significant disproportion, the attorney
16 general shall study the efforts of the law enforcement agency
17 to decrease its disproportion during the prior three years.

18 (3) If a law enforcement agency fails to provide
19 documentation to the attorney general that proves the agency's
20 significant disproportions cannot be attributed to discriminatory
21 policing, the agency shall be subject to review for a period of
22 three years.

23 (4) Documentation provided to the attorney general to
24 analyze significant disproportions shall be made public to the
25 extent permitted by law.

26 (5) If a law enforcement agency subject to review shows a
27 significant disproportion in its data after its first year under

1 review and the attorney general's study determines that the law
2 enforcement agency cannot show good-faith efforts to remedy the
3 significant disproportion, the attorney general shall require
4 changes in the agency's policies and practices, including
5 techniques for identifying problem officers, requirements that an
6 officer's ratios of disparity along with any mitigating
7 circumstances be a part of the record used to evaluate promotions
8 and reassignments, training of supervisors in the skills
9 necessary to eliminate discriminatory policing, and increasing
10 the quality and quantity of officer training related to
11 discriminatory policing. The attorney general's office shall
12 work with other state agencies to provide financial assistance
13 and expertise to facilitate these changes.

14 (6) If a law enforcement agency continues to show a
15 significant disproportion in its data at the close of its three-
16 year review period and the attorney general's study determines
17 that the significant disproportion can be attributed in whole or
18 in part to discriminatory policing, the attorney general shall
19 evaluate whether the agency is making a good-faith effort to
20 achieve nondiscriminatory policing. As a minimum penalty, the
21 agency shall remain under review, with ongoing attorney general
22 oversight, until such time as the attorney general determines
23 that discriminatory policing is no longer a cause of the
24 significant disproportion. As a maximum penalty, or after six
25 years of review, the attorney general shall order that the
26 governing body or jurisdiction that the law enforcement agency
27 serves be required, from that point forward, to forfeit

1 twenty-five percent of its annual general operating revenue
2 received from fines, bond forfeitures, and court costs for
3 traffic violations, including amended charges for any traffic
4 violations. The forfeited amount shall be paid to the general
5 revenue fund of the state of Missouri, to be designated as
6 additional funds for the peace officers standards and training
7 commission. This penalty shall continue until such time as the
8 attorney general determines that discriminatory policing is no
9 longer a cause of the significant proportion.

10 (7) A law enforcement agency may petition the attorney
11 general to evaluate the agency's vehicle stops report data using
12 a different benchmark. The attorney general shall determine
13 appropriate benchmarks used in his or her evaluation of the data.
14 The attorney general shall note in his or her annual report if an
15 alternative benchmark was granted and the reasons for using the
16 alternative benchmark.

17 ~~[7.]~~ 8. Each law enforcement agency in this state may
18 utilize federal funds from community-oriented policing services
19 grants or any other federal sources to equip each vehicle used
20 for traffic stops with a video camera and voice-activated
21 microphone or to purchase body cameras.

22 ~~[8. A peace officer who stops a driver of a motor vehicle~~
23 ~~pursuant to a lawfully conducted sobriety check point or road~~
24 ~~block shall be exempt from the reporting requirements of~~
25 ~~subsection 2 of this section.]~~