

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 46, Page 4, Section 285.040, Line 15, by
2 inserting after all of said section and line the following:

3
4 "590.653. 1. Each city, county and city not within a county may establish a civilian review
5 board, or may use an existing civilian review board which has been appointed by the local
6 governing body, with the authority to investigate allegations of misconduct by local law
7 enforcement officers towards members of the public. The members shall not receive compensation
8 but shall receive reimbursement from the local governing body for all reasonable and necessary
9 expenses.

10 2. The board shall have the power to receive[,] and investigate[, ~~make findings and~~
11 ~~recommend disciplinary action upon~~] complaints by members of the public against members of the
12 police department that allege misconduct involving excessive use of force, abuse of authority,
13 discourtesy, or use of offensive language, including, but not limited to, slurs relating to race,
14 ethnicity, religion, gender, sexual orientation and disability. ~~[The findings and recommendations of~~
15 ~~the board, and the basis therefor, shall be submitted to the chief law enforcement official. No~~
16 ~~finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall~~
17 ~~prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or~~
18 ~~recommendations.]~~

19 3. In conducting an investigation under subsection 2 of this section, the board shall have the
20 power to subpoena witnesses, compel witness attendance, administer oaths, take the testimony of a
21 person under oath, and require the production of evidence, including video and audio footage and
22 written documents.

23 4. (1) Notwithstanding any other provision of law, each city, county, and city not within a
24 county may, through an ordinance or other means consistent with local laws, give the board the
25 power to make findings and determine and administer disciplinary action in consultation with the
26 chief law enforcement official, including termination of employment, for members of the police
27 department.

28 (2) If a city, county, or city not within a county does not give the board the power described
29 in subdivision (1) of this subsection, the board shall have the power to make findings and
30 recommend disciplinary action for members of the police department. The board shall submit its
31 findings and recommendations to the chief law enforcement official."; and
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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.

Action Taken _____ Date _____