

FIRST EXTRAORDINARY SESSION OF THE  
SECOND REGULAR SESSION  
[CORRECTED]

# HOUSE BILL NO. 33

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROBERTS (77).

5841H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 590, RSMo, by adding thereto four new sections relating to law enforcement accountability, with an emergency clause.

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

Section A. Chapter 590, RSMo, is amended by adding thereto four new sections, to be  
2 known as sections 590.1250, 590.1252, 590.1254, and 590.1256, to read as follows:

**590.1250. The provisions of sections 590.1250 to 590.1256 shall be known and may  
2 be cited as the "Law Enforcement Accountability Act".**

**590.1252. 1. All peace officers in this state shall wear a video camera affixed to the  
2 peace officer's uniform while on duty. The video camera shall record the interaction  
3 between a peace officer and a member of the public. The recording shall include both  
4 audio and video.**

**2. Law enforcement agencies shall preserve any recordings made by a video camera  
5 under this section for a minimum of sixty days and make such recordings available to  
6 public within fourteen days of any incident through a state-wide database.**

**3. The provisions of this section shall not apply to detectives or other peace officers  
8 while they are working in an undercover capacity, or to any peace officer in any situation  
9 where the wearing of such a video camera would endanger the safety of the officer or the  
10 public.  
11**

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.

12           **4. Law enforcement agencies shall develop policies and procedures necessary to**  
13 **execute the provisions of this section prior to January 1, 2021.**

14           **5. The director of the department of public safety may promulgate all necessary**  
15 **rules and regulations for the administration of this section. Any rule or portion of a rule,**  
16 **as that term is defined in section 536.010, that is created under the authority delegated in**  
17 **this section shall become effective only if it complies with and is subject to all of the**  
18 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**  
19 **are nonseverable, and if any of the powers vested with the general assembly pursuant to**  
20 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
21 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
22 **proposed or adopted after the effective date of this section, shall be invalid and void.**

**590.1254. 1. Beginning January 1, 2021, the Missouri state highway patrol and**  
2 **each local law enforcement agency that employs peace officers shall report to the attorney**  
3 **general's office the following:**

4           **(1) All use of force by its peace officers that results in death or serious bodily**  
5 **injury, including:**

6           **(a) The date, time, and location of the use of force;**

7           **(b) The perceived race, ethnicity, sex, and approximate age of the person contacted,**  
8 **provided that the identification of these characteristics is based on the observation and**  
9 **perception of the peace officer making the contact and other available data;**

10           **© The names of all peace officers who were at the scene, identified by whether the**  
11 **peace officer was involved in the use of force; except that the identity of other peace**  
12 **officers at the scene not directly involved in the use of force shall be identified by the**  
13 **officer's identification number issued by the POST commission unless the peace officer is**  
14 **charged criminally or is a defendant to a civil suit arising from the use of force;**

15           **(d) The type of force used, the severity and nature of the injury, whether the peace**  
16 **officer suffered physical injury, and the severity of the peace officer's injury;**

17           **(e) Whether the peace officer was on duty at the time of the use of force;**

18           **(f) Whether a peace officer unholstered a weapon during the incident;**

19           **(g) Whether a peace officer discharged a firearm during the incident;**

20           **(h) Whether the use of force resulted in a law enforcement agency investigation and**  
21 **the result of the investigation; and**

22           **(I) Whether the use of force resulted in a citizen complaint and the resolution of**  
23 **that complaint;**

24           **(2) All instances when a peace officer resigned while under investigation for**  
25 **violating department policy;**

- 26           **(3) All data relating to contacts conducted by its peace officers, including:**  
27           **(a) The perceived race, ethnicity, sex, and approximate age of the person contacted,**  
28 **provided that the identification of these characteristics is based on the observation and**  
29 **perception of the peace officer making the contact and other available data;**  
30           **(b) Whether the contact was a traffic stop;**  
31           **© The time, date, and location of the contact;**  
32           **(d) The duration of the contact;**  
33           **(e) The reason for the contact;**  
34           **(f) The suspected offense;**  
35           **(g) The result of the contact, such as:**  
36           **a. No action, warning, citation, property seizure, or arrest;**  
37           **b. If a warning or citation was issued, the warning provided or violation cited;**  
38           **c. If an arrest was made, the offense charged;**  
39           **d. If the contact was a traffic stop, the information collected, which is limited to the**  
40 **driver;**  
41           **(h) The actions taken by the peace officer during the contact including, but not**  
42 **limited to, whether:**  
43           **a. The peace officer asked for consent to search the person and, if so, whether**  
44 **consent was provided;**  
45           **b. The peace officer searched the person or any property and, if so, the basis for**  
46 **the search and the type of contraband or evidence discovered, if any;**  
47           **c. The peace officer seized any property and, if so, the type of property that was**  
48 **seized and the basis for seizing the property;**  
49           **d. A peace officer unholstered a weapon during the contact; and**  
50           **e. A peace officer discharged a firearm during the contact;**  
51           **(4) All instances of unannounced entry into a residence with or without a warrant**  
52 **including:**  
53           **(a) The date, time, and location of the use of unannounced entry;**  
54           **(b) The perceived race, ethnicity, sex, and approximate age of the subject of the**  
55 **unannounced entry, provided that the identification of these characteristics is based on the**  
56 **observation and perception of the peace officer making the entry and other available data;**  
57           **© Whether a peace officer unholstered a weapon during the unannounced entry;**  
58 **and**  
59           **(d) Whether a peace officer discharged a firearm during the unannounced entry.**  
60           **2. Notwithstanding any provision of law to the contrary, the data reported under**  
61 **this section shall be made available to the public on the database established under**

62 subsection 3 of this section. The highway patrol and local law enforcement agencies shall  
63 not report the name, address, Social Security number, or other unique personal identifying  
64 information of the subject of the use of force, victim of the official misconduct, or persons  
65 contacted, searched, or subjected to a property seizure.

66 3. The attorney general shall maintain a statewide database with data collected  
67 pursuant to this section, in a searchable format, and publish the database on its website.  
68 The database shall be made available to the public no later than January 1, 2022. The  
69 database shall include a law enforcement identification system to track peace officer  
70 complaints from one agency to another. The database shall be accessible to the public and  
71 shall not require special accounts or impose fees for access to the data.

72 4. The highway patrol and any local law enforcement agency that fails to meet its  
73 reporting requirements under this section is subject to the suspension of its funding by its  
74 appropriating authority.

75 5. The director of the department of public safety may promulgate all necessary  
76 rules and regulations for the administration of this section. Any rule or portion of a rule,  
77 as that term is defined in section 536.010, that is created under the authority delegated in  
78 this section shall become effective only if it complies with and is subject to all of the  
79 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
80 are nonseverable, and if any of the powers vested with the general assembly pursuant to  
81 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
82 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
83 proposed or adopted after the effective date of this section, shall be invalid and void.

2 590.1256. Notwithstanding any other provision of law, if any peace officer is  
3 convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use or  
4 threatened use of physical force, or is found civilly liable for the use of unlawful physical  
5 force, the POST commission shall revoke the peace officer's certification under this  
6 chapter. The POST commission shall not reinstate the peace officer's certification or grant  
7 new certification to the peace officer unless the peace officer is exonerated by a court. The  
8 POST commission shall record each decertified peace officer in the database created under  
section 590.1254.

Section B. Because immediate action is necessary to fight violent crime in Missouri and  
2 to protect our citizens and residents from the actions of law enforcement officers that jeopardize  
3 the life and safety of our citizens and residents, section A of this act is deemed necessary for the  
4 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared  
5 to be an emergency act within the meaning of the constitution, and section A of this act shall be  
6 in full force and effect upon its passage and approval.

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