

HB 32 -- PROHIBITION AGAINST USE OF CHOKEHOLDS

SPONSOR: Roberts (77)

A law enforcement officer, when effecting an arrest or in preventing an escape from custody, will be justified in using a chokehold only when he or she reasonably believes that it is necessary to defend himself or herself or a third person from what he or she believes to be the use or imminent use of deadly physical force or infliction of serious physical injury. The use of a chokehold for any other purpose will be cause for the law enforcement officer's immediate dismissal and revocation of his or her POST certification under Chapter 590, RSMo. For purposes of this section, "chokehold" means a method by which a person holds another person by putting his or her arm around the other person's neck with sufficient pressure to make breathing difficult or impossible and includes, but is not limited to, any pressure to the throat or windpipe that may prevent or hinder breathing or reduce intake of air. The defendant has the burden of injecting the issue of justification.

This bill has an emergency clause.