

HB 40 -- PROHIBITING CHOKEHOLDS

SPONSOR: Dogan

This bill prohibits the use of chokeholds by peace officers and security guards except when such tactics are justified as deadly force under Chapter 563, RSMo. All law enforcement agencies shall prohibit chokeholds and their use as deadly force will be reported to the Attorney General and available for publication. Carotid restraints may be used to effectuate arrests, but these methods must be taught and distinguished from chokeholds that prevent or hinder breathing.

The bill authorizes disciplinary actions under Section 590.080 for peace officers without regard to whether criminal charges are filed or death or serious injury results from the use of a chokehold. Reporting requirements for officers subject to discipline for using chokeholds are specified in the bill.

Any peace officer or security guard who causes death using a chokehold and is not justified in using deadly force shall be guilty of a class A felony and may be referred for disciplinary action under Section 590.080. The illegitimate use of a chokehold that causes serious injury and is not justified by the use of physical force defenses under Chapter 563 shall be guilty of the offense of aggravated strangulation which shall be a class B felony.

The bill has an emergency clause.