

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,
2 Section 557.045, Line 15, by inserting after said section and line the following:

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4 "563.015. 1. A law enforcement officer is prohibited from using a respiratory choke-hold
5 unless deadly force is authorized pursuant to this chapter.

6 2. A respiratory choke-hold includes the use of any body part or object to attempt to control
7 or disable by applying pressure to a person's neck with the purpose, intent, or effect of controlling or
8 restricting such person's breathing.

9 566.145. 1. A person commits the offense of sexual conduct in the course of public duty if
10 the person engages in sexual conduct:

11 (1) With a detainee, a prisoner, or an offender [if he or she] and the person:

12 [(1)] (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility
13 and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or
14 correctional facility; [or

15 —(2)] (b) Is a probation and parole officer and engages in sexual conduct with an offender
16 who is under the direct supervision of the officer; or

17 (c) Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner
18 who is in the custody of such officer; or

19 (2) With someone who is not a detainee, a prisoner, or an offender and the person is:

20 (a) A probation and parole officer, a police officer, or an employee of, or assigned to work
21 in, any jail, prison, or correctional facility;

22 (b) On duty; and

23 (c) Acting with a coercive purpose.

24 2. For the purposes of this section the following terms shall mean:

25 (1) "Detainee", a person deprived of liberty and kept under involuntary restraint,
26 confinement, or custody;

27 (2) "Offender", includes any person in the custody of a prison or correctional facility and
28 any person who is under the supervision of the state board of probation and parole;

29 [(2)] (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or
30 after disposition of a charge.

31 3. The offense of sexual conduct [with a prisoner or offender] in the course of public duty is
32 a class E felony.

33 4. Consent of a detainee, a prisoner [or] , an offender, or any other person is not a defense.";
34 and

35
36 Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the

Action Taken _____ Date _____

1 following:

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3 "590.070. 1. The chief executive officer of each law enforcement agency shall, within thirty
4 days after commissioning any peace officer, notify the director on a form to be adopted by the
5 director. The director may require the chief executive officer to conduct a current criminal history
6 background check and to forward the resulting report to the director.

7 2. The chief executive officer of each law enforcement agency shall, within thirty days after
8 any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify
9 the director on a form to be adopted by the director. Such notice shall state the circumstances
10 surrounding the departure from employment or loss of commission and shall specify any of the
11 following that apply:

12 (1) The officer failed to meet the minimum qualifications for commission as a peace officer;
13 (2) The officer violated municipal, state or federal law;
14 (3) The officer violated the regulations of the law enforcement agency; or
15 (4) The officer was under investigation for violating municipal, state or federal law, or for
16 gross violations of the law enforcement agency regulations.

17 3. Whenever the chief executive officer of a law enforcement agency has reasonable
18 grounds to believe that any peace officer commissioned by the agency is subject to discipline
19 pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

20 4. Notwithstanding any other provision of law to the contrary, the chief executive officer of
21 each law enforcement agency has absolute immunity from suit for compliance with this section,
22 unless the chief executive officer presented false information to the director with the intention of
23 causing reputational harm to the peace officer.

24 590.075. The chief executive officer of each law enforcement agency shall, prior to
25 commissioning any peace officer, request a certified copy from the director of all notifications
26 received pursuant to section 590.070 and the director shall provide all notifications to the chief
27 executive officer who requested the notifications within three business days after receipt of
28 request."; and

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.