

HS HCS HB 876 -- LAW ENFORCEMENT OFFICERS (Dogan)

COMMITTEE OF ORIGIN: Standing Committee on Crime Prevention

SHERIFFS' SALARIES (Sections 50.327 and 57.317, RSMo)

This bill repeals the base salary schedule for sheriffs contained in Section 59.317, RSMo, sets the salary for a county sheriff in a county of the first or second classification equal to 80% of the compensation of an associate circuit judge, and establishes a new salary schedule based on county assessed valuation levels and given percentages of the compensation of an associate circuit judge.

The county sheriff in any county may not receive an annual compensation less than specified in this bill.

These provisions have a delayed effective date of January 1, 2022.

SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

The bill provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner who is in the custody of such officer shall be guilty of a class E felony. A person also commits the offense if the person is a probation and parole officer or a police officer or an employee of or a person assigned to work in a jail, prison, or correctional facility and the person has sexual conduct on duty and the offense is committed by means of coercion.

OFFENSE OF USING A LASER POINTER (Section 574.110)

The bill creates the offense of using a laser pointer, as defined in the bill, by knowingly directing the light from a laser pointer at a uniformed safety officer, including a peace officer as defined in Section 590.010, RSMo, security guard, firefighter, emergency medical worker, or other uniformed municipal, state, or federal officer. Violation of this offense is a class A misdemeanor.

TAMPERING WITH A JUDICIAL OFFICER (Section 575.095)

The bill adds the Attorney General or an assistant attorney general of this state to the definition of "judicial officer" as it relates to the offense of tampering with a judicial officer.

PEACE OFFICER LICENSURE

The bill provides that, in addition to current requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, for the purposes of a criminal history

background check and enrollment in the state and federal Rap Back Program. Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. The bill also specifies that all law enforcement agencies must enroll in the state and federal Rap Back programs on or before January 1, 2022, and must remain enrolled. The agencies must take all necessary steps to maintain officer enrollment in the programs.

COMMISSIONING REQUIREMENTS OF PEACE OFFICERS (Sections 590.070 and 590.075)

Currently, the chief executive officer of each law enforcement agency must notify the Director of the Peace Officer Standards and Training (POST) Commission the circumstances surrounding a law enforcement officer's departure from the law enforcement agency within 30 days of the departure.

This bill provides that the chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the Director of all notifications received regarding such peace officer. All notifications provided to the chief executive officer from the Director shall be received within 3 days of the request.

The bill also provides that the chief executive officer of each law enforcement agency has absolute immunity from suit for complying with such notification requirements to the Director, unless the chief executive officer presented false information to the Director with the intention of causing reputational harm to the peace officer.

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS (Section 590.500)

The bill establishes the "Law Enforcement Officers' Bill of Rights".

The bill defines a "law enforcement officer" as any sworn peace officer, except the highest ranking officer in the law enforcement agency, who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or by the Board of Police Commissioners, who possesses the power to arrest for violations of the criminal code.

The bill specifies certain rights a law enforcement officer has when he or she is the subject of an administrative investigation or is being questioned or interviewed. These rights include being informed of the violation, requiring the complaint to be supported by a sworn affidavit, and allowing the officer to have an attorney or any duly authorized representative.

The bill provides that any law enforcement officer who is suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss is entitled to a full due process hearing. The hearing requirements are specified in the bill.

RESPIRATORY CHOKE-HOLDS (Section 590.805)

This bill provides that a law enforcement officer is prohibited from knowingly using a respiratory choke-hold unless it is being used in defense of the officer or another person from serious physical injury or death. A "respiratory choke-hold" includes the use of any body part or object to attempt to control or disable a person by applying pressure to the person's neck with the purpose of controlling or restricting the person's breathing.

USE OF FORCE (Sections 590.1150, 1150, and 590.1265)

The bill requires the Attorney General to create a database by January 1, 2022, to coordinate the sharing of information between state, local, and federal law enforcement agencies concerning instances of excessive use of force related to law enforcement matters. The bill specifies what the database must include. It also specifies that if a peace officer is convicted of or is found civilly liable for acts or omissions that could otherwise amount to felony criminal conduct, the POST Commission must revoke the officer's certification and must not reinstate the license or issue a new license to the officer unless the officer is exonerated.

The bill also establishes the "Police Use of Force Transparency Act of 2021", which provides that all law enforcement agencies must, at least annually, collect and report local data to the National Use of Force Data Collection through the Law Enforcement Enterprise portal administered by the Federal Bureau of Investigation on use-of-force incidents involving peace officers. Law enforcement agencies must also report such data to the Department of Public Safety. Information collected and reported must not include personally identifying information of individual officers. By June 30, 2022, the Department must develop standards and procedures governing the collecting and reporting of the data. The Department must publish the data reported by law enforcement agencies, and the data will be considered a public record, consistent with state law. The Department must analyze trends and disparities in the data and

report the findings and make the report available to the public no later than January 1, 2025.

The provisions of this bill have a delayed effective date of January 1, 2022.

Please see the Summary Sheet for a detailed list of the language in the House Substitute.