

CCS HCS SS SCS SBs 53 & 60 -- THE ADMINISTRATION OF JUSTICE

ATTORNEY GENERAL RESIDENCY REQUIREMENT (Section 27.010, RSMo)

This bill repeals the provision that requires the Attorney General to reside at the seat of government.

SHERIFFS' SALARIES (Sections 50.327 and 57.317)

This bill repeals the base salary schedule for sheriffs contained in Section 59.317, 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. Additionally, if the change results in a salary increase of less than \$10,000, the increase will take effect on January 1, 2022. However, if the change results in an increase of \$10,000 or more, the increase will take effect over a period of five years in 20% increments.

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

CORRECTIONS (Sections 56.380, 56.455, 105.950; 149.071, 191.1165, 214.392, 217.010, 217.030, 217.195, 217.199, 217.243, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 217.845, 221.065, 221.105, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.206, 589.042, 650.055, and 650.058)

This bill modifies several provisions relating to the Department of Corrections as well as jails.

This bill updates statute by replacing the "Department of Corrections and Human Resources" with "Department of Corrections" and the "Board of Probation and Parole" with the "Division of Probation and Parole" or "Parole Board".

This bill also adds that the chairperson of the parole board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This bill repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

Under this bill, the Department of Corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all such persons are assessed for substance abuse disorders; shall make available certain medication-assisted treatment services, consistent with a treatment plan developed by a physician; and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or dose or duration of the recommended services.

This bill also modifies the list of covered medications to include formulations of buprenorphine other than tablets and formulations of naltrexone including extended-release injectable formulations.

This bill provides that offenders who receive funding from the federal Coronavirus Aid, Relief, and Economic Security (CARES) bill shall use such funds to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.

Currently, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses.

This bill specifies that the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This bill also creates the "Inmate Canteen Fund" in the State Treasury, which shall consist of funds received from the inmate canteens. Any proceeds generated from this Fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This bill repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary.

This bill also provides that the Director of Corrections and any sheriff or jailer who holds a person in custody shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center or jail. The General Assembly may appropriate funds to assist with the funding of this requirement. These provisions are subject to an emergency clause.

Currently, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the bill.

However, the amount shall not be less than the amount appropriated in the previous fiscal year. This bill repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

Currently, a person who is serving a term of imprisonment receives credit toward his or her service of a sentence for all the person's time in prison, jail, or custody after the offense occurred. This bill changes that to after conviction. Additionally, the court may, when pronouncing a sentence, award credit for time spent in prison, jail or custody after the offense occurred and before conviction. These changes apply to offenses occurring on or after August 28, 2021.

COURT COSTS COLLECTED BY SHERIFFS (Section 57.280)

Currently, sheriffs who serve any summons, writ, or other order of the court may collect fees in civil cases. These court fees are collected by the court clerk and held in certain state and local funds.

This bill provides that an additional charge of up to \$50 may be received by a sheriff for service of any summons, writ, or other order of the court in connection with any eviction proceeding. All charges shall be collected by the sheriff prior to the service being rendered and paid to the county treasurer. The funds shall be held in a fund established by the county treasurer and may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties.

POLICE COMMISSIONERS (Section 84.400)

This bill provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

KANSAS CITY POLICE DEPARTMENT RESIDENCY REQUIREMENTS (Section 84.575)

This bill provides that the Board of Police Commissioners in Kansas City shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any particular jurisdictional limit. Any current residency requirement in effect on or before August 28, 2021, shall not apply and shall not be enforced.

Additionally, the Board of Police Commissioners may impose a residency rule, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within 30 miles from the nearest city limit and within the boundaries of the state of Missouri.

COMMUNICABLE DISEASES (Sections 191.677, 545.940, 575.155, and 575.157)

This bill modifies the laws regarding Human Immunodeficiency Virus (HIV), and applies the law to all serious infectious or communicable diseases instead of only HIV. A serious infectious or communicable disease is a non-airborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management.

It shall be a class D felony for a person knowingly infected with a serious infectious or communicable disease to be a blood, organ, sperm, or tissue donor, except as deemed necessary for medical research or deemed medically appropriate by a licensed physician; or to knowingly expose another person to a serious infectious or communicable disease through an activity that creates a substantial risk of transmission as determined by competent medical or epidemiological evidence. If the victim contracts a serious infectious or communicable disease, it is a class C felony. It shall be a class A misdemeanor for a person knowingly infected with a serious infectious or communicable disease to act in a reckless manner by exposing another person to a serious infectious or communicable disease through an activity that creates a substantial risk of transmission as determined by competent medical or epidemiological evidence.

It is an affirmative defense if the person exposed to the serious infectious or communicable disease knew that the infected person was infected and consented to the exposure with such knowledge.

When alleging a violation of the law against exposing another person to a communicable disease, the prosecuting attorney or grand jury must use a pseudonym to protect the victim of the crime.

This bill makes the crimes of offense of endangering a corrections employee and offense of endangering a Department of Mental Health employee apply to prisoners who are knowingly infected with any serious infectious or communicable disease and exposes another person to the disease. Currently, the law only applies to exposing the victim to HIV, Hepatitis B, or Hepatitis C.

FORENSIC EXAMINATIONS (Sections 191.1165, 192.2520, and 197.135)

This bill specifies that the coordinator for the statewide telehealth network must regularly consult with Missouri-based stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the training programs offered by the network, as well as about the implementation and operation of the network. A provider will not be required to utilize the training offered by the statewide telehealth network regarding the collection of forensic evidence as long as the training utilized is at least equivalent to the training offered by the statewide telehealth network.

The bill specifies that, starting January 1, 2023, or no later than six months after the establishment of the statewide telehealth network, whichever is later, hospitals will be required to perform a forensic examination by an appropriate medical provider using an evidentiary collection kit upon the request and consent of the victim of a sexual offense or his or her guardian when the victim is at least 14 years old. Victims between 14 and 17 years old may be referred to a SAFE CARE provider for medical or forensic evaluation and case review.

A CHILD'S RIGHT TO COUNSEL (Section 211.211)

This bill specifies that if a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances, as specified in the bill. If a child waives his or her right to counsel, the waiver shall only apply to that particular proceeding. The bill also specifies certain proceedings in which a child's right to counsel cannot be waived unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.

JUVENILE JUSTICE (Sections 211.012, 211.181, and 211.435)

This bill specifies that, for the purposes of Chapter 211, Section 221.044, and the original jurisdiction of the juvenile court, if a person was considered an adult when the alleged offense or violation was committed, he or she will not later be considered a child. Currently, no court shall require a child to remain in the custody of the Division of Youth Services past the child's 18th birthday. This bill changes that provision so that a child can remain in the custody of the Division of Youth Services until the child's 19th birthday.

There is currently a state "Juvenile Justice Preservation Fund",

which exists in the State Treasury. This bill changes this provision so that there is a Juvenile Justice Preservation Fund in each county's circuit court, and the purpose of this fund is to implement and maintain the expansion of juvenile court jurisdiction to 18 years of age. The surcharge collected under this section is payable to the county circuit court rather than to the State Treasury. Funds currently held by the State Treasurer in the Fund must be payable and revert to the circuit court's fund in the county of origination. Expenditures from the individual county juvenile justice funds will be made at the discretion of the juvenile office for the circuit court and must be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction.

The bill states that, to further promote the best interests of the children of Missouri, money in the fund will not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile treatment services.

These provisions are subject to an emergency clause.

JUVENILE DETENTION (Section 211.072)

The bill requires that a juvenile under 18 years of age who has been certified to stand trial as an adult for specified offenses and who is in a juvenile detention facility stay in that facility until the judgment dismissing the juvenile petition to allow for prosecution under the general laws is final. The bill further clarifies under what circumstances such a juvenile shall be held at a juvenile detention facility or be moved to a jail or other adult detention facility.

This bill provides that a certified juvenile cannot be held in an adult jail for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile waives the 180-day maximum period.

Effective December 31, 2021, all previously certified pre-trial juveniles who had been certified prior to August 28, 2021, shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the adult jail. All certified juveniles who are held in adult jails shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates. The issue of setting or posting bond shall be held in the pre-trial certified juvenile's adult criminal case.

This bill provides that, upon attaining the age of 18 or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility. Any responsibility for transportation of the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

NONVIOLENT OFFENDERS (Sections 217.777 and 559.120)

The bill specifies that one of the reasons the Department of Corrections must administer a community corrections program is to encourage local sentencing alternatives for offenders to promote opportunities for nonviolent primary caregivers to care for their dependent children. Additionally, if a court finds that traditional institutional confinement of a defendant is not necessary for the protection of the public, that the defendant is in need of guidance, training, or other assistance, and that the defendant is the primary caregiver of one or more dependent children, the court must consider requiring the defendant to participate in a community-based treatment program.

FLASHING LIGHTS ON MOTOR VEHICLES (Sections 304.022 and 307.175)

This bill adds vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the County's Medical Examiner's Office, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of those professionals have been requested by a law enforcement officer, to the list of vehicles authorized to use or display fixed, flashing, or rotating red or red and blue lights.

HEAD START SCHOOL BUSES (Section 304.050)

This bill provides that a certified Head Start school bus is subject to all provisions that a certified school bus is subject, except for the requirement of a crossing control arm. This provision has a delayed effective date of January 1, 2022.

CHILD VISITATION (Section 452.410)

The bill specifies in accordance with which certain sections a joint custody or visitation order may be modified.

ORDERS OF PROTECTION (Sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523)

This bill specifies that adult protection orders and child

protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this bill as a living creature maintained by a household member for companionship and not for commercial purposes.

Currently, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. This bill specifies that, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than 10 years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously-issued order; however, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, the order may be renewed periodically and will be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection will be automatically renewed for any term of renewal as set forth in this bill.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court must not modify the order for a period of at least two years from the date the original full order of protection was issued and the order may be modified only after a hearing and a written finding that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Currently, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. This bill specifies that the court must provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff must enter the information into MULES within 24 hours and MULES must forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

GUARDIANSHIP (Section 475.120)

The bill moves a provision that specifies that, except where otherwise limited by the court, a guardian must make decisions regarding an adult ward's support, care, education, health, and

welfare. A guardian must exercise authority only as necessitated by the adult ward's limitations and, to the extent possible, must encourage the adult ward to participate in decisions, act on the ward's own behalf, and develop or regain the capacity to manage the ward's personal affairs.

MUNICIPAL COURT DISCOVERY (Section 479.162)

This bill specifies that, in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of 15 days or more in jail or confinement, a defendant must not be charged any fee for obtaining a police report, probable cause statement, or any video relevant to the arrest or traffic stop. Such police report, probable cause statement, or video must be provided by the prosecutor upon written request for discovery by the defendant.

COURT COSTS FOR VETERANS (Section 488.016)

The bill specifies that court costs will be fully waived for any person who is an honorably discharged veteran of any branch of the armed forces of the United States and who successfully completes a veterans' treatment court.

ADMISSIBILITY OF EVIDENCE (Section 491.016)

This bill specifies that an otherwise inadmissible witness statement is admissible in evidence in a criminal proceeding as substantive evidence if the court, after a hearing, finds by a preponderance of the evidence that the defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness, such wrongdoing caused or substantially contributed to the unavailability of the witness, the prosecution exercised due diligence to secure by subpoena or other means the attendance of the witness, and the witness failed to appear.

If the witness was to appear for a jury trial the hearing and finding to determine the admissibility of the statement must be held and ruled on outside the presence of the jury and before the case is submitted to the jury.

CONFIDENTIALITY OF CRIME STOPPERS ORGANIZATIONS (Section 546.265)

This bill provides that no person will be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on

behalf of a crime stoppers organization. Additionally, no such person will be required to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication in connection with any criminal proceeding or discovery procedure.

This bill also provides that any person arrested or charged with a criminal offense may petition the court for an in-camera inspection of the records of a privileged communication concerning the report such person made to the crime stoppers organization. If the court determines the person is entitled to all or part of such records, the court may order production and disclosure as the court deems appropriate.

MOTION TO VACATE OR SET ASIDE JUDGMENT (Section 547.031)

A prosecuting or circuit attorney in the jurisdiction in which a person was convicted may file a motion to vacate or set aside judgment at any time if the prosecuting or circuit attorney has information that the convicted person may be innocent or may have been erroneously convicted. Upon the filing of such a motion, the court must order a hearing and must issue findings of fact and conclusions of law on all issues presented. The Attorney General must be given notice of the hearing on the motion and will be permitted to appear, question witnesses, and make arguments on the motion. The Attorney General may file a motion to intervene as well as file a motion to dismiss the motion to vacate or set aside judgment in any appeal filed by the prosecuting or circuit attorney. If the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea, the court must grant the prosecuting attorney's motion to vacate or set aside judgment.

SPECIAL VICTIMS (Section 565.058)

This bill provides that any special victim, as defined by law, shall not be required to reveal any current address or place of residence except to the court when in a judge's private chambers for the purpose of determining jurisdiction and venue. Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if the petition alleges that he or she would be endangered by such disclosure.

OFFENSE OF UNLAWFUL POSTING OF CERTAIN INFORMATION ONLINE (Section 565.240)

Currently, a person commits the offense of unlawful posting of

certain information over the Internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the Internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. Such offense is a Class C misdemeanor.

This bill modifies the current offense by adding "any other personally identifiable information" and further provides that, if a person knowingly posts on the Internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or the information of an immediate family member of such officer, judge, commissioner, or prosecuting attorney, he or she shall be guilty of a Class E felony.

SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

Under current law a person commits the offense of sexual conduct with a prisoner or offender if the person is a probation and parole officer and the offender is under the direct supervision of the officer, or the person is an employee of or a person assigned to work in a jail, prison, or correctional facility and the prisoner or offender is confined in the jail, prison, or correctional facility. This bill adds to the offense law enforcement officers who commit sexual conduct with a detainee or a prisoner who is in the custody of the officer. The offense is also committed if a law enforcement officer, probation and parole officer, or employee of or a person assigned to work in a jail, prison, or correctional facility engages in sexual conduct, while on duty, with someone who is not a detainee, prisoner, or offender, and the offense was committed by means of coercion.

UNLAWFUL USE OF A LASER POINTER (Section 574.110)

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

PROTECTION OF HEALTH CARE WORKERS (Section 574.203)

This bill creates the offense of interference with a health care facility. A person, excluding a person seeking mental health,

psychiatric, or psychological care or any person who is developmentally disabled, commits the offense of interference with a health care facility if the person acts alone or with someone else to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly commits any of the acts specified in the bill. The offense of interfering with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for a second or subsequent offense.

FAILURE TO EXECUTE A WARRANT (Section 575.180)

The bill specifies that it is an affirmative defense to prosecution of the offense of failure to execute a warrant if the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under Chapters 301, 302, 304, or 307, RSMo, or a misdemeanor traffic offense in another state.

PEACE OFFICER LICENSURE (Sections 590.030)

Currently, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This bill provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and to submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back programs.

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 will be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment will be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies must take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies must enroll in the state and federal Rap Back programs on or before January 1, 2022.

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 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 must, 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 must be received within three days of the request.

Additionally, this bill 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. If the Director receives any additional notifications regarding the candidate for commissioning within 60 days of a chief executive officer's request, a copy of such notifications must be forwarded by the Director to the requesting chief executive officer within three business days following receipt.

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This bill establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program will provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. A "critical incident" is any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

This bill provides that all peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer is privileged and will not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the bill.

Additionally, this bill creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma

resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

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.

POLICE USE OF FORCE DATABASE (Section 590.1265)

This bill establishes the "Police Use of Force Transparency Act of 2021."

Starting March 1, 2022, each law enforcement agency must, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI). Use-of-force incidents include fatalities and serious physical injuries that are connected to the use of force by an officer.

Additionally, each law enforcement agency must submit such information to the Department of Public Safety. The personally identifying information of individual peace officers must not be included in the reports. The Department of Public Safety must, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety must publish the data reported by law enforcement agencies in a publicly available report at least annually starting March 1, 2023. Finally, the Department of Public Safety must undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report must be updated at least every five years.

ACCESS TO RECORDS (Sections 610.120, 610.122, and 610.140)

Currently, closed records are available to law enforcement agencies

for the issuance or renewal of a license, permit, certification, or registration of authority from the agency for watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm. This bill removes the access to closed records to law enforcement agencies as the availability of the records relates to persons seeking permits to purchase or possess a firearm.

The bill also adds Subdivision (4) of Subsection 1 of Section 571.030, which is when a person exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner, to the offenses not eligible for expungement.

This bill repeals the provision that allows a record of arrest to be eligible for expungement only if the person has no prior or subsequent misdemeanor felony convictions. The bill reduces the amount of time a person must wait before he or she can file a petition for expungement from seven years for a felony and three years for a misdemeanor to three years and one year, respectively. This bill specifies that for the purposes of a certain United States code, an order of expungement under this section will be considered a complete removal of all the effects of the expunged conviction.