

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
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1 AMEND House Committee Substitute No. 2 for House Bill No. 495, Page 45, Section 556.061,  
2 Line 230, by inserting after said section and line the following:

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4 "563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the  
5 arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes  
6 to have committed an offense because of resistance or threatened resistance of the arrestee. In  
7 addition to the use of physical force authorized under other sections of this chapter, a law  
8 enforcement officer is, subject to the provisions of subsections 2 ~~and~~, 3, and 4 of this section,  
9 justified in the use of such physical force as he or she reasonably believes is immediately necessary  
10 to effect the arrest or to prevent the escape from custody.

11 2. The use of any physical force in making an arrest is not justified under this section unless  
12 the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, and the  
13 amount of physical force used was objectively reasonable in light of the totality of the particular  
14 facts and circumstances confronting the officer on the scene, without regard to the officer's  
15 underlying intent or motivation.

16 3. In effecting an arrest or in preventing an escape from custody, a law enforcement officer  
17 is justified in using deadly force only:

18 (1) When deadly force is authorized under other sections of this chapter; or

19 (2) When the officer reasonably believes that such use of deadly force is immediately  
20 necessary to effect the arrest or prevent an escape from custody and also reasonably believes that the  
21 person to be arrested:

22 (a) Has committed or attempted to commit a felony offense involving the infliction or  
23 threatened infliction of serious physical injury; or

24 (b) Is attempting to escape by use of a deadly weapon or dangerous instrument; or

25 (c) May otherwise endanger life or inflict serious physical injury to the officer or others  
26 unless arrested without delay.

27 4. The use of a respiratory choke-hold for any purpose other than is authorized under section  
28 590.805 shall be cause for the law enforcement officer's immediate dismissal and revocation of his  
29 or her license under chapter 590.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           5. The defendant shall have the burden of injecting the issue of justification under this  
2 section."; and

3  
4 Further amend said bill, Page 55, Section 590.208, Line 23, by inserting after said section and line  
5 the following:

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7           "590.1065. 1. A peace officer shall intervene to prevent or stop another peace officer from  
8 using physical force that exceeds the degree of force permitted under this chapter in pursuance of  
9 the other peace officer's law enforcement duties in carrying out an arrest of any person, placing any  
10 person under detention, taking any person into custody, booking any person, or in the process of  
11 crowd or riot control without regard to chain of command.

12           2. A peace officer who intervenes as required under subsection 1 of this section shall report  
13 the intervention to his or her immediate supervisor. At a minimum, the report required under this  
14 subsection shall include:

15           (1) The date, time, and place of the occurrence;

16           (2) The identity, if known, and description of the participants; and

17           (3) A description of the intervention actions taken.

18  
19 Such report shall be made in writing within ten days of the occurrence of the use of such force and  
20 shall be appended to all other reports of the incident.

21           3. A member of a law enforcement agency shall not discipline or retaliate in any way  
22 against a peace officer for intervening as required under subsection 1 of this section, reporting  
23 unconstitutional conduct, or failing to follow what the peace officer reasonably believes is an  
24 unconstitutional directive.

25           4. When an internal investigation finds that a peace officer failed to intervene or prevent the  
26 use of unlawful physical force under this section, such finding shall be presented to the prosecuting  
27 attorney for a determination as to whether charges should be filed. However, nothing in this  
28 subsection prohibits the prosecuting attorney from charging a peace officer with failure to intervene  
29 before the conclusion of any internal investigation.

30           5. In addition to any criminal liability and penalty, when an internal investigation finds that  
31 a peace officer failed to intervene or prevent the use of unlawful physical force under this section in  
32 an incident resulting in serious bodily injury or death to any person, the peace officer's employer  
33 shall subject the peace officer to discipline, up to and including termination, to the extent permitted  
34 under applicable constitutional and statutory law, and the director shall revoke the peace officer's  
35 license under chapter 590 upon receipt of notice of the peace officer's discipline. Such revocation  
36 may be overturned only if the peace officer is exonerated by a court.

37           6. In a case in which the prosecution charges a peace officer with offenses related to and  
38 based on the use of excessive force but does not file charges against any other peace officer or  
39 officers who were at the scene during the use of such force, the prosecuting attorney shall prepare a

1 written report explaining his or her basis for the decision not to charge any other peace officer with  
2 criminal conduct and shall disclose the report to the public; except that, if disclosure of the report  
3 would substantially interfere with or jeopardize an ongoing criminal investigation, the prosecuting  
4 attorney may delay public disclosure for up to forty-five days. The prosecuting attorney shall post  
5 the written report on the prosecuting attorney office's website or, if the office does not have a  
6 website, make it publicly available upon request.

7 7. The offense of failing to intervene to prevent the use of unlawful force under this section  
8 is considered an act of complicity and the penalty for such act shall be equal to the penalty imposed  
9 against the peace officer who committed the original wrongdoing for which the peace officer failed  
10 to intervene. Nothing in this subsection shall prohibit or discourage prosecution of any other  
11 criminal offense related to failure to intervene, including a higher charge, if supported by the  
12 evidence.

13 590.1250. The provisions of sections 590.1250 to 590.1256 shall be known and may be  
14 cited as the "Law Enforcement Accountability Act".

15 590.1252. 1. All peace officers in this state shall wear a video camera affixed to the peace  
16 officer's uniform while on duty. The video camera shall record each interaction between a peace  
17 officer and a member of the public. The recording shall include both audio and video.

18 2. Law enforcement agencies shall preserve any recordings made by a video camera under  
19 this section for a minimum of sixty days and make such recordings available to the public through a  
20 state-wide database within fourteen days of any incident.

21 3. The provisions of this section shall not apply to detectives or other peace officers while  
22 they are working in an undercover capacity, or to any peace officer in any situation where the  
23 wearing of such a video camera would endanger the safety of the officer or the public.

24 4. Law enforcement agencies shall develop policies and procedures necessary to execute the  
25 provisions of this section prior to January 1, 2026.

26 5. The director of the department of public safety may promulgate all necessary rules and  
27 regulations for the administration of this section. Any rule or portion of a rule, as that term is  
28 defined in section 536.010, that is created under the authority delegated in this section shall become  
29 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
30 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the  
31 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
32 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
33 rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and  
34 void.

35 590.1256. Notwithstanding any other provision of law, if any peace officer is convicted of  
36 or pleads guilty or nolo contendere to a crime involving the unlawful use or threatened use of  
37 physical force, or is found civilly liable for the use of unlawful physical force, the director shall  
38 revoke the peace officer's license under this chapter. The director shall not reinstate the peace

1 officer's license or grant a new license to the peace officer unless the peace officer is exonerated by  
2 a court."; and

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4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.