

FIRST REGULAR SESSION

# HOUSE BILL NO. 1129

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

2331H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to law enforcement agency reporting requirements.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 590.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.650, to read as follows:

590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle, that officer shall report the following information to the law enforcement agency that employs the officer:

(1) The age, gender and race or minority group of the individual stopped;

(2) **The immigration status of the individual stopped;**

(3) The reasons for the stop;

~~[(3)]~~ (4) Whether a search was conducted as a result of the stop;

~~[(4)]~~ (5) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;

~~[(5)]~~ (6) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

~~[(6)]~~ (7) Whether any warning or citation was issued as a result of the stop;

~~[(7)]~~ (8) If a warning or citation was issued, the violation charged or warning provided;

~~[(8)]~~ (9) Whether an arrest was made as a result of either the stop or the search;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18       ~~[(9)]~~ (10) If an arrest was made, the crime charged; and  
19       ~~[(10)]~~ (11) The location of the stop.

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21 Such information may be reported using a format determined by the department of public  
22 safety which uses existing citation and report forms.

23       3. (1) Each law enforcement agency shall compile the data described in subsection 2  
24 of this section for the calendar year into a report to the attorney general.

25       (2) Each law enforcement agency shall submit the report to the attorney general no  
26 later than March first of the following calendar year.

27       (3) The attorney general shall determine the format that all law enforcement agencies  
28 shall use to submit the report.

29       4. (1) The attorney general shall analyze the annual reports of law enforcement  
30 agencies required by this section and submit a report of the findings to the governor, the  
31 general assembly and each law enforcement agency no later than June first of each year.

32       (2) The report of the attorney general shall include at least the following information  
33 for each agency:

34       (a) The total number of vehicles stopped by peace officers during the previous  
35 calendar year;

36       (b) The number and percentage of stopped motor vehicles that were driven by  
37 members of each particular minority group;

38       (c) A comparison of the percentage of stopped motor vehicles driven by each  
39 minority group and the percentage of the state's population that each minority group  
40 comprises; and

41       (d) A compilation of the information reported by law enforcement agencies pursuant  
42 to subsection 2 of this section.

43       5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

44       (1) Prohibits the practice of routinely stopping members of minority groups for  
45 violations of vehicle laws as a pretext for investigating other violations of criminal law;

46       (2) Provides for periodic reviews by the law enforcement agency of the annual report  
47 of the attorney general required by subsection 4 of this section that:

48       (a) Determine whether any peace officers of the law enforcement agency have a  
49 pattern of stopping members of minority groups for violations of vehicle laws in a number  
50 disproportionate to the population of minority groups residing or traveling within the  
51 jurisdiction of the law enforcement agency; and

52       (b) If the review reveals a pattern, require an investigation to determine whether any  
53 peace officers of the law enforcement agency routinely stop members of minority groups for  
54 violations of vehicle laws as a pretext for investigating other violations of criminal law; and

55           (3) Provides for appropriate counseling and training of any peace officer found to  
56 have engaged in race-based traffic stops within ninety days of the review.

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58 The course or courses of instruction and the guidelines shall stress understanding and respect  
59 for racial and cultural differences, and development of effective, noncombative methods of  
60 carrying out law enforcement duties in a racially and culturally diverse environment.

61           6. If a law enforcement agency fails to comply with the provisions of this section, the  
62 governor may withhold any state funds appropriated to the noncompliant law enforcement  
63 agency.

64           7. Each law enforcement agency in this state may utilize federal funds from  
65 community-oriented policing services grants or any other federal sources to equip each  
66 vehicle used for traffic stops with a video camera and voice-activated microphone.

67           8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully  
68 conducted sobriety check point or road block shall be exempt from the reporting requirements  
69 of subsection 2 of this section.

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