

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 876, Page 3, Section 590.075, Line 5, by inserting
2 after all of said section and line the following:
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4 "590.1065. 1. A peace officer shall intervene to prevent or stop another peace officer from using
5 physical force that exceeds the degree of force permitted under this chapter in pursuance of the other peace
6 officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention,
7 taking any person into custody, booking any person, or in the process of crowd or riot control without regard
8 to chain of command.

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

- 12 (1) The date, time, and place of the occurrence;
13 (2) The identity, if known and description of the participants; and
14 (3) A description of the intervention actions taken.
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16 Such report shall be made in writing within ten days of the occurrence of the use of such force and shall be
17 appended to all other reports of the incident.

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

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

27 5. In addition to any criminal liability and penalty, when an internal investigation finds that a peace
28 officer failed to intervene or prevent the use of unlawful physical force under this section in an incident
29 resulting in serious bodily injury or death to any person, the peace officer's employer shall subject the peace
30 officer to discipline, up to and including termination, to the extent permitted under applicable constitutional
31 and statutory law, and the POST Commission shall, upon receipt of notice of the peace officer's discipline,
32 conduct a hearing regarding the disciplinary action to determine whether to revoke the peace officer's
33 certification under chapter 590. If the license is revoked, such revocation may only be overturned if the
34 peace officer is exonerated by a court.

35 6. In a case in which the prosecution charges a peace officer with offenses related to and based on
36 the use of excessive force but does not file charges against any other peace officer or officers who were at the
37 scene during the use of force, the prosecuting attorney shall prepare a written report explaining his or her
38 basis for the decision not to charge any other peace officer with criminal conduct and shall disclose the report
39 to the public; except that if disclosure of the report would substantially interfere with or jeopardize an
40 ongoing criminal investigation, the prosecuting attorney may delay public disclosure until the completion of

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1 the investigation. The prosecuting attorney shall post the written report on its website or, if it does not have a
 2 website, make it publicly available upon request.

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

8 590.1250. The provisions of sections 590.1250 to 590.1256 shall be known and may be cited as the
 9 "Law Enforcement Accountability Act".

10 590.1254. 1. Beginning January 1, 2022, the Missouri state highway patrol and each local law
 11 enforcement agency that employs peace officers shall report to the attorney general's office the following:

12 (1) All use of force by its peace officers that results in death or serious physical injury, as defined in
 13 section 556.061, including:

14 (a) The date, time, and location of the use of force;

15 (b) The perceived race, ethnicity, sex, and approximate age of the person contacted, provided that the
 16 identification of these characteristics is based on the observation and perception of the peace officer making
 17 the contact and other available data;

18 (c) The names of all peace officers who were at the scene, identified by whether the peace officer
 19 was involved in the use of force; except that, the identity of any other peace officers at the scene not directly
 20 involved in the use of force shall be identified by the officer's identification number issued by the POST
 21 Commission unless the peace officer is charged criminally or is a defendant to a civil suit arising from the use
 22 of force;

23 (d) The type of force used, the severity and nature of the injury, whether the peace officer suffered
 24 physical injury, and the severity and nature of the peace officer's injury;

25 (e) The nature and extent of medical treatment administered to the person and any officer;

26 (f) Whether the peace officer was on duty at the time of the use of force;

27 (g) Whether a peace officer unholstered a weapon during the incident;

28 (h) Whether a peace officer discharged a firearm during the incident;

29 (i) Whether the use of force resulted in a law enforcement agency investigation and the result of the
 30 investigation; and

31 (j) Whether the use of force resulted in a citizen complaint and the resolution of that complaint;

32 (2) All instances when a peace officer resigned while under investigation for violating department
 33 policy;

34 (3) All data relating to contacts conducted by its peace officers, including:

35 (a) The perceived race, ethnicity, sex, and approximate age of the person contacted, provided that the
 36 identification of these characteristics is based on the observation and perception of the peace officer making
 37 the contact and other available data;

38 (b) Whether the contact was a traffic stop;

39 (c) The time, date, and location of the contact;

40 (d) The duration of the contact;

41 (e) The reason for the contact;

42 (f) The suspected offense;

43 (g) The result of the contact, such as:

44 a. No action, warning, citation, property seizure, or arrest;

45 b. If a warning or citation was issued, the warning provided or violation cited;

46 c. If an arrest was made, the offense charged;

47 d. If the contact was a traffic stop, the information collected, which is limited to the driver;

48 (h) The actions taken by the peace officer during the contact including, but not limited to, whether:

49 a. The peace officer asked for consent to search the person and, if so, whether consent was provided;

50 b. The peace officer searched the person or any property and, if so, the basis for the search and the
 51 type of contraband or evidence discovered, if any;

52 c. The peace officer seized any property and, if so, the type of property that was seized and the basis
 53 for seizing the property;

1 d. A peace officer unholstered a weapon during the contact; and

2 e. A peace officer discharged a firearm during the contact;

3 (4) All instances of unannounced entry into a residence with or without a warrant including:

4 (a) The date, time, and location of the use of unannounced entry;

5 (b) The perceived race, ethnicity, sex, and approximate age of the subject of the unannounced entry,
6 provided that the identification of these characteristics is based on the observation and perception of the
7 peace officer making the entry and other available data;

8 (c) Whether a peace officer unholstered a weapon during the unannounced entry; and

9 (d) Whether a peace officer discharged a firearm during the unannounced entry.

10 2. The attorney general shall maintain a statewide database with data collected pursuant to this
11 section, in a searchable format, and publish the database on its website. The database shall be made available
12 to the public no later than January 1, 2022. The database shall include a law enforcement identification
13 system to track peace officer complaints from one agency to another. The database shall be accessible to the
14 public and shall not require special accounts or impose fees for access to the data.

15 3. The Missouri state highway patrol and any local law enforcement agency that fails to meet its
16 reporting requirements under this section is subject to the suspension of its funding by its appropriating
17 authority.

18 4. The director of the department of public safety may promulgate all necessary rules and regulations
19 for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
20 that is created under the authority delegated in this section shall become effective only if it complies with and
21 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
22 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
23 review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
24 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be
25 invalid and void.

26 590.1256. Notwithstanding any other provision of law, if any peace officer is convicted of or pleads
27 guilty or nolo contendere to a crime involving the unlawful use or threatened use of physical force, the POST
28 Commission shall revoke the peace officer's certification under this chapter. The POST Commission shall
29 not reinstate the peace officer's certification or grant new certification to the peace officer unless the peace
30 officer is exonerated by a court. The POST Commission shall record each decertified peace officer in the
31 database created under section 590.1254."; and

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