

HB 395 -- END RACIAL PROFILING ACT OF 2015

SPONSOR: Peters

This bill establishes the End Racial Profiling Act of 2015. Any law enforcement agent or agency of this state or its political subdivisions is prohibited from engaging in racial profiling. If a law enforcement agency receives more than 150 complaints per year in a three-year period, the Attorney General has the authority to take over operations of the agency, withhold any grants or funds the state processes for the agency, and implement new policies for the agency under specified conditions.

The state or any person injured by racial profiling is authorized to enforce the provisions of the bill in a civil action for declaratory or injunctive relief. The bill specifies against whom relief may be obtained.

Proof that the routine or spontaneous investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial, ethnic, or religious minorities must constitute prima facie evidence of a violation of these provisions. In any action to enforce these provisions against any governmental body, the court may allow a prevailing plaintiff other than the state of Missouri reasonable attorney fees, including expert fees, as part of the costs.

State and local law enforcement agencies are required to maintain adequate policies and procedures designed to eliminate racial profiling and cease any existing practices that permit it within 12 months of the effective date of the bill. The bill specifies the policies and procedures that must be included.

Within six months of the effective date of these provisions, the Attorney General must establish rules for the operation of administrative complaint procedures and independent audit programs to ensure that the programs and procedures provide an appropriate response to allegations of racial profiling by law enforcement agents or agencies. The rules must contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent audit programs.

Within six months of the effective date, the Attorney General must establish rules for the collection and compilation of data as required by these provisions. The bill specifies the data that must be included. The Attorney General must provide the data to the General Assembly and make it available to the public with each annual report described in these provisions.

The bill prohibits any identifying information of a law enforcement officer, complainant, or any other individual involved in any activity for which data is collected and compiled from being released to the public or disclosed to any person, except for specified disclosures.

Within two years of the effective date of these provisions and annually thereafter, the Attorney General must submit to the General Assembly a report on racial profiling by law enforcement agencies with specified required information.