

FIRST REGULAR SESSION

HOUSE BILL NO. 668

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON GRAY.

0777L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, RSMo, and to enact in lieu thereof two new sections relating to the use of force by law enforcement officers.

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

Section A. Section 563.046 as enacted by senate bill no. 491, ninety-seventh general
2 assembly, second regular session, and section 563.046 as enacted by senate bill no. 60, seventy-
3 ninth general assembly, first regular session, RSMo, are repealed and two new sections enacted
4 in lieu thereof, to be known as sections 563.046 and 650.467, to read as follows:

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

8 2. The use of any physical force in making an arrest is not justified under this section
9 unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

10 3. A law enforcement officer in effecting an arrest or in preventing an escape from
11 custody is justified in using deadly force only:

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

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.

13 (2) When [he or she reasonably believes that such use of deadly force is immediately
14 necessary to effect the arrest and also] **all other reasonable means of apprehension have been**
15 **exhausted or are unavailable, the officer has given notice of the officer's identity as such**
16 **and a warning that deadly force may be used unless resistance or flight ceases, and the**
17 **officer** reasonably believes that the person to be arrested[:

18 (a) Has committed or attempted to commit a felony; or

19 (b)] is attempting to escape [by use of] **and possesses** a deadly weapon[; or

20 (c) May otherwise endanger life or inflict serious physical injury unless arrested without
21 delay].

22 4. The defendant shall have the burden of injecting the issue of justification under this
23 section.

24 **5. When a law enforcement officer uses deadly force against an unarmed person,**
25 **who is at a distance of twenty feet or greater from the officer, thereby posing no imminent**
26 **danger to the officer, the officer shall be immediately suspended and removed from duty,**
27 **without pay, until a full investigation of the incident has been completed.**

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2 the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes
3 to have committed an offense because of resistance or threatened resistance of the arrestee. In
4 addition to the use of physical force authorized under other sections of this chapter, he is, subject
5 to the provisions of subsections 2 and 3 **of this section**, justified in the use of such physical force
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27 **without pay, until a full investigation of the incident has been completed.**

650.467. 1. There is hereby established in the department of public safety a "Task
2 **Force On The Use Of Force By A Law Enforcement Officer". The task force shall focus**
3 **its efforts clarifying the use of force allowed by law enforcement officers, under section**
4 **563.046, in a county with a charter form of government and with more than nine hundred**
5 **fifty thousand inhabitants.**

6 **2. The task force shall have a membership of nine persons appointed by the**
7 **director of public safety. Membership may include, but not be limited to, the following:**

8 **(1) A person from the POST commission;**

9 **(2) A former sheriff, chief of police, deputy sheriff, or deputy chief of police;**

10 **(3) An assistant attorney general;**

11 **(4) A retired judge;**

12 **(5) A licensed attorney with experience in criminal defense who is in no way**
13 **involved in prosecuting crimes; and**

14 **(6) A former prosecuting attorney or assistant prosecuting attorney who served in**
15 **that capacity for at least ten years.**

16 **3. The director of the department of public safety or the director's designee shall**
17 **convene the first meeting of the task force for the purpose of establishing the bylaws of the**
18 **task force and electing officers to include a chairperson, vice chairperson, and secretary.**
19 **The task force shall not meet more than four times annually. Members may be reimbursed**
20 **for expenses but shall not receive a per-diem allowance.**

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