

HOUSE BILL NO. 880

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTLER.

2013H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 542 and 590, RSMo, by adding thereto four new sections relating to the police best practices act.

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

Section A. Chapters 542 and 590, RSMo, are amended by adding thereto four new sections, to be known as sections 542.288, 590.450, 590.503, and 590.505, to read as follows:

542.288. 1. Notwithstanding any provision of law to the contrary, if a peace officer determines that it is necessary to search a motor vehicle after stopping or contacting a person in the vehicle regarding an alleged violation of law or ordinance, the officer may conduct the search only after reading a written statement to the person with authority to give consent to the search of the vehicle.

2. The statement described in subsection 1 of this section shall substantially comply with the following:

“I am asking for your consent to conduct a search of the vehicle. You have the right to refuse to consent to the search or you may knowingly, freely, and voluntarily consent to the search. Do you understand these rights as they have been read to you? Do you choose to waive your right to refuse my requested search?”

3. A peace officer may conduct the requested search only if the person subject to the search consents, knowingly, freely, and voluntarily in writing to the search.

590.450. 1. Any report required to be written by a law enforcement officer shall include a probable cause statement, in his or her own words, detailing why the officer initiated a traffic stop, involuntary contact with a civilian, or any other incident that required the officer to write the report.

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.

5 **2. Law enforcement agencies shall not provide officers employed with the agency**
6 **any standardized form that provides probable cause language for the officer to use and**
7 **shall not accept standardized form language in any report filed within the agency.**

590.503. Sections 542.288, 590.450, and 590.505 shall be known as the “Police Best
2 **Practices Act”.**

590.505. 1. Every law enforcement officer shall be assigned an anonymous
2 **identification number by the law enforcement agency that employs the officer. The**
3 **anonymous identifying number shall be public record and shall be reported to the**
4 **department of public safety to be correlated along with the data collected under subsection**
5 **2 of this section. The correlation between the identification numbers and the names of the**
6 **officers shall not be a public record and shall not be disclosed by the agency except when**
7 **required by a court order.**

8 **2. The department of public safety shall collect, correlate, and maintain the**
9 **following information regarding traffic law enforcement by law enforcement officers:**

10 **(1) The number of drivers stopped for routine traffic enforcement by law**
11 **enforcement officers, the officer making each stop, the date each stop was made, the agency**
12 **of the officer making each stop, and whether a citation or warning was issued;**

13 **(2) Identifying characteristics of the drivers stopped, including their race or**
14 **ethnicity, approximate age, and sex;**

15 **(3) The alleged traffic violation that led to the stop;**

16 **(4) Whether a search was instituted as a result of the stop;**

17 **(5) Whether the vehicle, personal effects, driver, passenger, or passengers were**
18 **searched, and the race or ethnicity, approximate age, and sex of each person searched;**

19 **(6) Whether the search was conducted pursuant to consent, probable cause, or**
20 **reasonable suspicion to suspect a crime, including the basis for the request for consent, or**
21 **the circumstances establishing probable cause or reasonable suspicion;**

22 **(7) Whether any contraband was found and the type and amount of any such**
23 **contraband;**

24 **(8) Whether any written citation or any oral or written warning was issued as a**
25 **result of the stop;**

26 **(9) Whether an arrest was made as a result of either the stop or the search;**

27 **(10) Whether any property was seized, with a description of that property;**

28 **(11) Whether the officers making the stop encountered any physical resistance from**
29 **the driver, passenger, or passengers;**

30 **(12) Whether the officers making the stop engaged in the use of force against the**
31 **driver, passenger, or passengers for any reason;**

32 **(13) Whether any injuries resulted from the stop;**

33 **(14) Whether the circumstances surrounding the stop were the subject of any**
34 **investigation, and the results of that investigation; and**

35 **(15) The geographic location of the stop; if the officer making the stop is a member**
36 **of the state highway patrol, the location shall be the district in which the stop was made;**
37 **for all other law enforcement officers, the location shall be the city or county in which the**
38 **stop was made.**

39 **3. The information required by this section shall not be collected in connection with**
40 **impaired driving checks or other types of roadblocks, vehicle checks, or checkpoints except**
41 **those stops that result in a warning, search, seizure, arrest, or any other activity described**
42 **in subsection 2 of this section.**

43 **4. Any agency subject to the requirements of this section shall submit information**
44 **collected under subsection 2 of this section to the department of public safety within sixty**
45 **days of the close of each month. Any agency that does not submit the information as**
46 **required by this subsection shall be ineligible to receive any law enforcement grants**
47 **available by or through the state until the information which is reasonably available is**
48 **submitted.**

49 **5. The department of public safety shall publish and distribute a list by December**
50 **first of each year indicating the law enforcement officers that will be subject to the**
51 **provisions of this section during the calendar year commencing the following January first.**

✓