

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute No. 2
2 for Senate Bill No. 26, Page 1, Line 5, by deleting said line and inserting in lieu thereof the
3 following:

4
5 "regarding a license issued by the director under this chapter.

6 590.1065. 1. The provisions of this section shall be known and may be cited as the "Law
7 Enforcement Accountability Act".

8 2. A peace officer shall intervene to prevent or stop another peace officer from using
9 physical force that exceeds the degree of force permitted under this chapter in pursuance of the other
10 peace officer's law enforcement duties in carrying out an arrest of any person, placing any person
11 under detention, taking any person into custody, booking any person, or in the process of crowd or
12 riot control without regard to chain of command.

13 3. A peace officer who intervenes as required under subsection 1 of this section shall report
14 the intervention to his or her immediate supervisor. At a minimum, the report required under this
15 subsection shall include:

16 (1) The date, time, and place of the occurrence;

17 (2) The identity, if known and description of the participants; and

18 (3) A description of the intervention actions taken.

19
20 Such report shall be made in writing within ten days of the occurrence of the use of such force and
21 shall be appended to all other reports of the incident.

22 4. A member of a law enforcement agency shall not discipline or retaliate in any way
23 against a peace officer for intervening as required under subsection 1 of this section, reporting
24 unconstitutional conduct, or failing to follow what the peace officer reasonably believes is an
25 unconstitutional directive.

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

31 6. In addition to any criminal liability and penalty, when an internal investigation finds that
32 a peace officer failed to intervene or prevent the use of unlawful physical force under this section in
33 an incident resulting in serious bodily injury or death to any person, the peace officer's employer
34 shall subject the peace officer to discipline, up to and including termination, to the extent permitted

Action Taken _____ Date _____

1 under applicable constitutional and statutory law, and the POST Commission shall revoke the
2 peace officer's certification under chapter 590 upon receipt of notice of the peace officer's discipline.
3 Such revocation may only be overturned if the peace officer is exonerated by a court.

4 7. In a case in which the prosecution charges a peace officer with offenses related to and
5 based on the use of excessive force but does not file charges against any other peace officer or
6 officers who were at the scene during the use of force, the prosecuting attorney shall prepare a
7 written report explaining his or her basis for the decision not to charge any other peace officer with
8 criminal conduct and shall disclose the report to the public; except that if disclosure of the report
9 would substantially interfere with or jeopardize an ongoing criminal investigation, the prosecuting
10 attorney may delay public disclosure for up to forty-five days. The prosecuting attorney shall post
11 the written report on its website or, if it does not have a website, make it publicly available upon
12 request.

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

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.
22

23 THIS AMENDMENT AMENDS 0828H05.15H.