

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 785, Page 3, Section 8.178, Line 8, by
2 inserting after said section and line the following:

3
4 "546.265. 1. As used in this section, the following terms mean:

5 (1) "Crime stoppers organization", a private, not-for-profit organization that collects and
6 expends donations for rewards to persons who report to the organization information concerning
7 criminal activity and that forwards such information to appropriate law enforcement agencies;

8 (2) "Privileged communication", information by an anonymous person to a crime stoppers
9 organization for the purpose of reporting alleged criminal activity.

10 2. No person shall be required to disclose, by way of testimony or otherwise, a privileged
11 communication between a person who submits a report of alleged criminal activity to a crime
12 stoppers organization and the person who accepts the report on behalf of a crime stoppers
13 organization or to produce, under subpoena, any records, documentary evidence, opinions, or
14 decisions relating to such privileged communication:

15 (1) In connection with any criminal case or proceeding; or

16 (2) By way of any discovery procedure.

17 3. Any person arrested or charged with a criminal offense may petition the court for an in-
18 camera inspection of the records of a privileged communication concerning the report such person
19 made to a crime stoppers organization. The petition shall allege facts showing that such records
20 would provide evidence favorable to the defendant and relevant to the issue of guilt or
21 punishment. If the court determines that the person is entitled to all or any part of such records, the
22 court may order production and disclosure as the court deems appropriate.

23 563.015. 1. A law enforcement officer is prohibited from using a respiratory choke-hold
24 unless deadly force is authorized pursuant to this chapter.

25 2. A respiratory choke-hold includes the use of any body part or object to attempt to control
26 or disable by applying pressure to a person's neck with the purpose, intent, or effect of controlling or
27 restricting such person's breathing.

28 565.240. 1. A person commits the offense of unlawful posting of certain information over
29 the internet if he or she knowingly posts the name, home address, Social Security number, [ø]r
30 telephone number, or any other personally identifiable information of any person on the internet
31 intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to
32 such person.

33 2. The offense of unlawful posting of certain information over the internet is a class C
34 misdemeanor, unless the person knowingly posts the name, home address, Social Security number,
35 telephone number, or any other personally identifiable information of any law enforcement officer,
36 corrections officer, parole officer, or prosecuting attorney, or immediate family member of such

Action Taken _____ Date _____

1 officers, on the internet intending to cause great bodily harm or death, or threatening to cause great
 2 bodily harm or death, in which case it is a class E felony.

3 566.145. 1. A person commits the offense of sexual conduct in the course of public duty if
 4 the person engages in sexual conduct:

5 (1) With a detainee, a prisoner, or an offender [if he or she] and the person:

6 ~~[(1)]~~(a) Is an employee of, or assigned to work in, any jail, prison or correctional facility and
 7 engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or
 8 correctional facility; ~~[or~~

9 ~~——~~(2)(b) Is a probation and parole officer and engages in sexual conduct with an offender who
 10 is under the direct supervision of the officer; or

11 (c) Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner
 12 who is in the custody of such officer; or

13 (2) With someone who is not a detainee, a prisoner, or an offender and the person is:

14 (a) A probation and parole officer, a police officer, or an employee of, or assigned to work
 15 in, any jail, prison, or correctional facility;

16 (b) On duty; and

17 (c) Acting with a coercive purpose.

18 2. For the purposes of this section, the following terms shall mean:

19 (1) "Detainee", a person deprived of liberty and kept under involuntary restraint,
 20 confinement, or custody;

21 (2) "Offender", includes any person in the custody of a prison or correctional facility and
 22 any person who is under the supervision of the state board of probation and parole;

23 ~~[(2)]~~(3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or
 24 after disposition of a charge.

25 3. The offense of sexual conduct ~~[with a prisoner or offender]~~ in the course of public duty is
 26 a class E felony.

27 4. Consent of a detainee, a prisoner [or], an offender, or any other person is not a defense.

28 590.030. 1. The POST commission shall establish minimum standards for the basic training
 29 of peace officers. Such standards may vary for each class of license established pursuant to
 30 subsection 2 of section 590.020.

31 2. The director shall establish minimum age, citizenship, and general education
 32 requirements and may require a qualifying score on a certification examination as conditions of
 33 eligibility for a peace officer license. Such general education requirements shall require completion
 34 of a high school program of education under chapter 167 or obtainment of a General Educational
 35 Development (GED) certificate.

36 3. The director shall provide for the licensure, with or without additional basic training, of
 37 peace officers possessing credentials by other states or jurisdictions, including federal and military
 38 law enforcement officers.

39 4. The director shall establish a procedure for obtaining a peace officer license and shall
 40 issue the proper license when the requirements of this chapter have been met.

41 5. As conditions of licensure, all licensed peace officers shall:

42 (1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the
 43 POST commission; ~~[and]~~

44 (2) Maintain a current address of record on file with the director; and

45 (3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace
 46 officer is commissioned with a different law enforcement agency, for the purpose of a criminal
 47 history background check and enrollment in the state and federal Rap Back programs, pursuant to
 48 section 43.540. The criminal history background check shall include the records of the Federal
 49 Bureau of Investigation. The resulting report shall be forwarded to the officer's commissioning law

1 enforcement agency at the time of enrollment and Rap Back enrollment shall be for the purpose of
2 the requirements of subsection 3 of section 590.070 and subsection 2 of section 590.118. An officer
3 shall take all necessary steps to maintain enrollment in Rap Back at all law enforcement agencies
4 where the officer is commissioned for as long as the officer is commissioned with that agency.

5 6. A peace officer license shall automatically expire if the licensee fails to hold a
6 commission as a peace officer for a period of five consecutive years, provided that the POST
7 commission shall provide for the relicensure of such persons and may require retraining as a
8 condition of eligibility for relicensure, and provided that the director may provide for the continuing
9 licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission
10 requiring a peace officer license but not meeting the definition of a peace officer pursuant to this
11 chapter.

12 7. All law enforcement agencies shall enroll in the state and federal Rap Back programs on
13 or before January 1, 2022, and continue to remain enrolled. The law enforcement agency shall take
14 all necessary steps to maintain officer enrollment for all officers commissioned with that agency in
15 the Rap Back programs. An officer shall submit to being fingerprinted at any law enforcement
16 agency upon commissioning and for as long as the officer is commissioned with that agency.

17 590.070. 1. The chief executive officer of each law enforcement agency shall, within thirty
18 days after commissioning any peace officer, notify the director on a form to be adopted by the
19 director. The director may require the chief executive officer to conduct a current criminal history
20 background check and to forward the resulting report to the director.

21 2. The chief executive officer of each law enforcement agency shall, within thirty days after
22 any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify
23 the director on a form to be adopted by the director. Such notice shall state the circumstances
24 surrounding the departure from employment or loss of commission and shall specify any of the
25 following that apply:

26 (1) The officer failed to meet the minimum qualifications for commission as a peace officer;
27 (2) The officer violated municipal, state or federal law;
28 (3) The officer violated the regulations of the law enforcement agency; or
29 (4) The officer was under investigation for violating municipal, state or federal law, or for
30 gross violations of the law enforcement agency regulations.

31 3. Whenever the chief executive officer of a law enforcement agency has reasonable
32 grounds to believe that any peace officer commissioned by the agency is subject to discipline
33 pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

34 4. Notwithstanding any other provision of law to the contrary, the chief executive officer of
35 each law enforcement agency has absolute immunity from suit for compliance with this section,
36 unless the chief executive officer presented false information to the director with the intention of
37 causing reputational harm to the peace officer.

38 590.075. The chief executive officer of each law enforcement agency shall, prior to
39 commissioning any peace officer, request a certified copy from the director of all notifications
40 received pursuant to section 590.070 and the director shall provide all notifications stored
41 electronically to the chief executive officer who requested the notifications within three business
42 days after receipt of request. If the director receives any additional notifications regarding the
43 candidate for commissioning within sixty days of a chief executive officer's request under this
44 section, a copy of such notifications shall be forwarded by the director to the requesting chief
45 executive officer within three business days following receipt.

46 590.192. 1. There is hereby established the "Critical Incident Stress Management Program"
47 within the department of public safety. The program shall provide services for peace officers to
48 assist in coping with stress and potential psychological trauma resulting from a response to a critical
49 incident or emotionally difficult event. Such services may include consultation, risk assessment,

1 education, intervention, and other crisis intervention services provided by the department to peace
 2 officers affected by a critical incident. For purposes of this section, a "critical incident" shall mean
 3 any event outside the usual realm of human experience that is markedly distressing or evokes
 4 reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's
 5 physical integrity or the physical integrity of someone else.

6 2. All peace officers shall be required to meet with a program service provider once every
 7 three to five years for a mental health check-in. The program service provider shall send a
 8 notification to the peace officer's commanding officer that he or she completed such check-in.

9 3. Any information disclosed by a peace officer shall be privileged and shall not be used as
 10 evidence in criminal, administrative, or civil proceedings against the peace officer unless:

11 (1) A program representative reasonably believes the disclosure is necessary to prevent
 12 harm to a person who received services or to prevent harm to another person;

13 (2) The person who received the services provides written consent to the disclosure; or

14 (3) The person receiving services discloses information that is required to be reported under
 15 mandatory reporting laws.

16 4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which
 17 shall consist of money appropriated by the general assembly. The state treasurer shall be custodian
 18 of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve
 19 disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the
 20 department of public safety for the purposes of providing services for peace officers pursuant to
 21 subsection 1 of this section. Such services may include consultation, risk assessment, education,
 22 intervention, and other crisis intervention services provided by the department to peace officers
 23 affected by a critical incident. The director of public safety may prescribe rules and regulations
 24 necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is
 25 defined in section 536.010, that is created under the authority delegated in this section shall become
 26 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
 27 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
 28 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
 29 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
 30 authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

31 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
 32 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

33 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
 34 invested. Any interest and moneys earned on such investments shall be credited to the fund.

35 590.1265. 1. The provisions of this section shall be known and may be cited as the "Police
 36 Use of Force Transparency Act of 2021".

37 2. For purposes of this section, the following terms mean:

38 (1) "Law enforcement agency", the same meaning as defined in section 590.1040;

39 (2) "Peace officer", the same meaning as defined in section 590.010;

40 (3) "Serious physical injury", the same meaning as defined in section 556.061;

41 (4) "Use-of-force incident", an incident in which:

42 (a) A fatality occurs that is connected to a use of force by a peace officer;

43 (b) Serious bodily injury occurs that is connected to a use of force by a peace officer; or

44 (c) In the absence of death or serious physical injury, a peace officer discharges a firearm at,
 45 or in the direction of, a person.

46 3. Starting on March 1, 2022, and at least annually thereafter, each law enforcement agency
 47 shall collect and report local data on use-of-force incidents involving peace officers to the National
 48 Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the
 49 Federal Bureau of Investigation. Law enforcement agencies shall not include personally identifying

1 information of individual peace officers in their reports.

2 4. Each law enforcement agency shall additionally report the data submitted under
3 subsection 3 of this section to the department of public safety. Law enforcement agencies shall not
4 include personally identifying information of individual peace officers in their reports.

5 5. The department of public safety shall, no later than October 31, 2021, develop standards
6 and procedures governing the collection and reporting of use-of-force data under this section. The
7 standards and procedures shall be consistent with the requirements, definitions, and methods of the
8 National Use of Force Data Collection administered by the Federal Bureau of Investigation.

9 6. By March 1, 2023, and at least annually thereafter, the department of public safety shall
10 publish the data reported by law enforcement agencies under subsection 4 of this section, including
11 statewide aggregate data and agency-specific data, in a publicly available report on the department
12 of public safety's website. Such data shall be deemed a public record consistent with the provisions
13 and exemptions contained in chapter 610.

14 7. The department of public safety shall undertake an analysis of any trends and disparities
15 in rates of use of force by all law enforcement agencies, with a report to be released to the public no
16 later than June 30, 2025. The report shall be updated periodically thereafter, but not less than once
17 every five years."; and

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