

HCS HB 876 -- LAW ENFORCEMENT

SPONSOR: Dogan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 12 to 0. Voted "Do Pass with HS" by Legislative Review by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 876.

RESPIRATORY CHOKE-HOLDS (Section 563.015, RSMo)

This bill provides that a law enforcement officer is prohibited from using a respiratory choke-hold unless deadly force is authorized under the law. A "respiratory choke-hold" includes the use of any body part or object to attempt to control or disable a person by applying pressure to the person's neck with the purpose, intent, or effect of controlling or restricting the person's breathing.

SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

This bill provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner who is in the custody of such officer shall be guilty of a class E felony. A person also commits the offense if the person is a probation and parole officer or a police officer or an employee of or a person assigned to work in a jail, prison, or correctional facility and the person has sexual conduct on duty and is acting with a coercive purpose.

COMMISSIONING REQUIREMENTS OF PEACE OFFICERS (Sections 590.070 and 590.075)

Currently, the chief executive officer of each law enforcement agency must notify the Director of the Peace Officer Standards and Training (POST) Commission the circumstances surrounding a law enforcement officer's departure from the law enforcement agency within 30 days of the departure.

This bill provides that the chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the Director of all notifications received regarding such peace officer. All notifications provided to the chief executive officer from the Director shall be received within 3 days of the request.

Finally, this bill provides that the chief executive officer of each law enforcement agency has absolute immunity from suit for complying with such notification requirements to the Director, unless the chief executive officer presented false information to the Director with the intention of causing reputational harm to the peace officer.

Please see the Summary Sheet for a detailed list of the language in the House Substitute.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill puts together a lot of things regarding law enforcement officers. The impetus for these reforms comes from a lot of the turmoil we saw over the summer after the death of George Floyd. The outrage from that death was universal, including from law enforcement. It led to lots of protests and riots across America, and that is not justified but things do need to be done about law enforcement accountability. There are lots of agencies that do not have any policies against choke-holds, so this is necessary. Though there are times where those techniques, like carotid restraints rather than choke-holds, are effective and necessary. Sexual conduct in the course of public duty also must be stopped because women are usually the victims of this and it makes people lose their trust in law enforcement. This would help increase public safety. The risks of inaction are greater than the risks of action. If Missouri ends up with the next George Floyd case, the damage could be devastating if we do not do anything. Changing the laws would make the perception of law enforcement more positive and the law enforcement community has supported these reforms. Since we do not have statewide policies for police accountability, the local agencies have the ability to have their own policies.

Testifying for the bill were Representative Dogan; Anne Litwin; Jewish Community Relations Council; Ellen Thieme; Kendall Martinez-Wright; Maureen Flynn-Hart; American Civil Liberties Union of Missouri; Victoria Godfrey-Zeller; Christine Woody, Empower Missouri; Susan Gibson; Municipal League of Metro St. Louis; Arnie Dienoff; Kelli Lowe, The National Police Wives Association; Rebecca Shaw; Sharon Geuea Jones, Missouri State Conference of The National Association for the Advancement of Colored People; and Branden Rothenberg, St. Louis Inter-Faith Committee on Latin America.

OPPOSERS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full

written testimony can be found under Testimony on the bill page on the House website.