

HB 876 -- LAW ENFORCEMENT

SPONSOR: Dogan

CHOKEHOLDS

This bill prohibits the use of chokeholds by peace officers and security guards except when such tactics are justified as deadly force under Chapter 563, RSMo. All law enforcement agencies shall prohibit chokeholds unless deadly force is lawful, and their use as deadly force will be reported to the Attorney General and available for publication. Carotid restraints may be used to effectuate arrests, but these methods must be taught and distinguished from chokeholds, which prevent or hinder breathing.

The bill authorizes disciplinary actions under Section 590.080 for peace officers who use a chokehold when deadly force is not lawful and the chokehold results in serious injury or death, regardless of whether the officer is criminally prosecuted. Reporting requirements for officers subject to discipline for using chokeholds are specified in the bill.

Any peace officer or security guard who causes death using a chokehold and is not justified in using deadly force shall be guilty of a class A felony and may be referred for disciplinary action under Section 590.080. The illegitimate use of a chokehold that causes serious injury and is not justified by the use of physical force defenses under Chapter 563 shall be guilty of the offense of aggravated strangulation, which shall be a class B felony.

The bill adds peace officer training certification requirements, which shall include de-escalation training and the use of body-worn cameras. Additionally, the basic training of every peace officer shall prohibit the use of maneuvers that restrict blood or oxygen flow to the brain, or prevents or hinders breathing or reduces the intake of air, such as knee-holds, chokeholds, or similar acts of applying force or pressure to the neck, unless deadly force is necessary and lawful.

SEXUAL CONDUCT IN THE COURSE OF PUBLIC DUTY

The bill creates the offense of sexual conduct in the course of public duty, which is a class E felony.

A probation or parole officer, a police officer, or an employee of, or person assigned to work in, any jail, prison, or correctional facility commits the offense of sexual conduct in the course of public duty if he or she engages in sexual conduct with a detainee,

prisoner, or offender, regardless of whether the person is on duty at the time the conduct occurs.

A probation or parole officer, a police officer, or an employee of, or person assigned to work in, any jail, prison, or correctional facility also commits the offense of sexual conduct in the course of public duty if he or she engages in sexual conduct with any person while on duty.

The provisions of this section have an emergency clause.

LICENSURE STATUS OF OFFICERS MAKING ARRESTS

The bill specifies that a law enforcement agency shall be subject to a fine of \$1,000 each day the agency commissions a peace officer in violation of the law prohibiting law enforcement agencies from commissioning officers who do not hold a valid peace officer license.

CERTIFICATION OF OUT OF STATE OFFICERS

This bill provides that a law enforcement officer who is certified in another state shall submit a preliminary application for certification before beginning employment with a law enforcement agency in this state. A law enforcement agency shall deny an officer's preliminary application if an officer has pled guilty to or been convicted of a felony, has had his or her certification revoked in another state, has been discharged for serious misconduct, or has been laid off after a disciplinary investigation involving serious misconduct.