

HCS SS #2 SB 26 -- PUBLIC SAFETY

SPONSOR: Eigel (Schroer)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention by a vote of 5 to 4. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 6 to 4.

The following is a summary of the House Committee Substitute for SB 26.

SS#2 SB 26 - This bill creates provisions relating to public safety.

LOCAL LAW ENFORCEMENT BUDGETS (Section 67.030, RSMo)

Currently, the governing body of each political subdivision may revise, alter, increase, or decrease items in a proposed budget. This bill provides that any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision decreases the budget for its law enforcement agency by an amount exceeding more than 12% relative to the proposed budgets of other departments of the political subdivision over a five-year aggregate amount.

POLICE COMMISSIONERS (Section 84.400)

This bill provides that a member of the Kansas City board of police commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

OFFENSES INELIGIBLE FOR PROBATION (Section 557.045)

This bill adds to the offenses ineligible for probation any dangerous felony where the victim is a law enforcement officer, firefighter, or an emergency service provider, while in the performance of his or her duties.

OFFENSE OF UNLAWFUL TRAFFIC INTERFERENCE (Section 574.045)

This bill creates the offense of unlawful traffic interference if, with the intention to impede vehicular traffic, the person walks, stands, sits, kneels, lies, or places an object in a manner that blocks passage by a vehicle on any public street or highway. The

offense of unlawful traffic interference on a public street or highway is an infraction for the first violation. Any second violation is a class B misdemeanor. A third or subsequent violation is a class E felony.

The offense is of unlawful traffic interference on a public street, highway, or interstate highway while part of an unlawful assembly is an infraction for the first violation. Any second violation is a class A misdemeanor. Any third or subsequent violation is a class D felony.

VANDALISM (Section 574.085)

Currently, a person commits the offense of institutional vandalism if he or she knowingly vandalizes certain structures. This bill provides that a person shall be guilty of a class E felony if he or she knowing vandalizes any public monument or structure on public property.

988 PUBLIC SAFETY FUND (Section 590.192)

This bill creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

LAW ENFORCEMENT OFFICER DISCIPLINARY ACTIONS (Section 590.502)

The bill establishes the "Law Enforcement Officers' Bill of Rights" and defines a "law enforcement officer" as any sworn peace officer, except the highest ranking officer in the law enforcement agency, who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or by the Board of Police Commissioners, who possesses the power to arrest for violations of the criminal code.

The bill specifies certain rights a law enforcement officer has when he or she is the subject of an administrative investigation or is being questioned or interviewed. These rights include being informed of the violation, requiring the complaint to be supported by a sworn affidavit, and allowing the officer to have an attorney or any duly authorized representative.

The bill provides that any law enforcement officer who is suspended without pay, demoted, terminated, transferred, or placed on a

status resulting in economic loss is entitled to a full due process hearing. The hearing requirements are specified in the bill.

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

PROPONENTS: Supporters say that the most pressing provision in the bill is the law enforcement officers' bill of rights. This establishes certain protections for officers who are accused of misconduct in the administrative process. It provides transparency and fairness. The law enforcement bill of rights gives due process to law enforcement officers in the internal investigation process. The bill also provides a minimum level of funding for local law enforcement budgets. There was a provision added about unlawful traffic interference and it has never been about free speech but it does have to do with personal physical safety. There is no right that any person has that can come at the risk of physical safety of other citizens, so it is unclear how this ever became about free speech. There are concerns on public streets and highways for law enforcement officers and how they are going to block streets and protect protesters as well as bystanders.

Testifying for the bill were Senator Eigel; Arnie C. Dienoff; and Stephen (Jay) Schroeder, St. Louis Police Officers Association.

OPPONENTS: Those who oppose the bill say that peaceful assembly as protected in the First Amendment is what has gotten us where we are in this country and it is imperative to keep that. This bill will not deter any crimes. The protests are always planned and law enforcement always knows what events they are doing because their social media accounts are monitored. People have protested for better benefits and better pay as well. This is nothing new. The legislative body was elected to do the will of the people, not the will of one district, so this legislation should not be coming about because of one incident in one county. The penalties to protesting this bill is proposing are un-American. Free assembly supersedes the comfort of other citizens. This bill does not make anything illegal that is not already illegal. The bill also dilutes the right to vote by tying the hands of the prosecutors, whom the people elected. There is no such thing as a protest without social, economic, and civil unrest. This bill is anti-bible, anti-Jesus, anti-protest, and it is not about public safety.

Testifying against the bill were Alan Ayres, Laborers Local #663; Amanda Trout; Andrew Gondzur; Andrew Puechner; Andrew Quan; Anita Guess; Anna Ball; Anna White; Ashley Lindemann; Barbara Ann Rues;

Bob Delaney; Briana Anderson; Carrie Paulette; Casey Skinner; Catherine Armbrust; Colin Shevlin; Cynthia Cerrentano; Cynthia Schmersal; Daniel Young; Don Crozier; Douglas W Smith, Peace Christian Church (UCC And DOC); Dr. Jameelah Lang; Dr. S. Carla Mae Streeter, OP; Edward Robert Ronan Jr; Elad Gross; Elizabeth Smith; Elizabeth Wilson; Ellen Wentz; Elliott A Clemons; Erik Olsen; Erin Gray; Erin Pitts; Fray Patton; Garth Stocking; Gina Meyer; Gina Speese; Jae Sage Shepherd, Action St.Louis; Jamala Rogers, Organization For Black Struggle; James Roos; Jamie Wehmeyer; Jane Long; Janice Colt; Jay Pitts-Zevin; Jennifer Howard; Jennifer Layton; Jennifer Ono; Jesse Rizzo; Joan Gentry; Jody L. Floor; Johnda R Boyce; Jordan Shipley; Joseph Bogue; Kathleen While; Kelley Drago; Kevin Fitzgerald; Kimberly H Fuller; Kirsten Gustafson-Ika; Krista Taves, Eliot Unitarian Chapel; Lachala Kemp; Lakresha D Graham; Laura Blumenberg; Laura Fitzpatrick; Lauren Sage; Leslie Doyle; Lily Cosgrove; Margaret Schmitz Rizzo; Mary Beth Titus; Megan M Martinez; Melissa Manley; Michaela Ousnamer; Mirjam Collegeman; Monique Henderson; Nancy Cooksey; Nancy J Bates; Natalie Spicker; Nathaniel Bozarth; Nehemiah Rosell; Pastor Lloyd; Phyllis Agnes Jacobson; Rachel Ohlhausen; Rev Dr Cassandra Gould, Missouri Faith Voices; Rev. Kim Mason; Sandra A Sarry; Sharon Aluqdah; Sherry L. Buchanan, Ph.D.; Sheryl Foster Gadkari; SJ Crasnow; Sophie Day; Stephanye A Doyle; PROMO; Stephen W. Skrainka; Susan Gibson; Tara Anura; The Rev. Dr. Teresa Danieleley, Priest; The Very Rev. Kathleen Adams-Shepherd; Thomas George; Tricia Rojo Bushnell, Midwest Innocence Project; Valorie June Engholm; Winifred Wright; Christopher Smith; John Bowman, NAACP-St Louis County; Mallory Rusch, Empower Missouri; Missouri AFL-CIO; Jean C Knapp; Kristen Lyle; Planned Parenthood Advocates in Missouri; Marla Marantz; Sierra Club Missouri Chapter; Natasha Pickens; Sally Dehner; Patti Parker; Elizabeth Norvell; G. Brumfield; Holly Henry; Jamall Brown; Margie Richcreek; Jewish Community Relations Council; Christopher Burke; Derrick Nowlin; Joan Lurtzeborn; Donnell Sims; John William Simon, Missouri Association of Criminal Defense Lawyers; American Civil Liberties Union of Missouri; Marquis Covan, Expect Us; Nimrod Chapel, Jr., Missouri NAACP; Reverend Darryl Gray; Reverend Linden Bowie, Missionary Baptist State Convention of Missouri; Reverend Doctor Vernon Howard, Jr., Southern Christian Leadership Conference of Greater Kansas City; The Reverend Johathan Stratton, Trinity Episcopal Church; Thomas True; and Wayne Lee.

OTHERS: Others testifying on the bill submitted written testimony, which can be found online.

Testifying on the bill was Lary Mohl.

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.