

FIRST REGULAR SESSION

# HOUSE BILL NO. 1233

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SKAGGS (Sponsor) AND TALBOY (Co-sponsor).

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2001L.03I

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### AN ACT

To amend chapter 544, RSMo, by adding thereto one new section relating to a task force for guidelines for eyewitness evidence in criminal investigations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 544, RSMo, is amended by adding thereto one new section, to be  
2 known as section 544.175, to read as follows:

**544.175. 1. As used in this section, the following terms shall mean:**

2 (1) "Administrator", the person conducting the photo or live lineup;

3 (2) "Blind", when the administrator does not know who among the members of the  
4 photo or live lineup being viewed by the eyewitness is the suspect;

5 (3) "Filler", a person or a photograph of a person who is not suspected of an  
6 offense and is included in an identification procedure;

7 (4) "Sequential", lineup procedures where the eyewitness views only one member  
8 of the lineup at a time and is shown all photographs or persons even if an identification has  
9 been made before all the photographs or persons have been viewed.

10 **2. There is hereby established a task force to be comprised of the following persons:**

11 (1) The attorney general, or the attorney general's designee;

12 (2) The state public defender director, or the director's designee;

13 (3) The executive director of the office of prosecutorial services, or the director's  
14 designee;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           **(4) Two members of the senate, one from each political party, appointed by the**  
16 **president pro tempore of the senate and the minority leader of the senate; and**

17           **(5) Two members of the house of representatives, one from each political party,**  
18 **appointed by the speaker of the house and the minority leader of the house.**

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20 **The task force, in consultation with eyewitness identification practitioners and experts,**  
21 **shall develop guidelines for policies, procedures, and training with respect to the collection**  
22 **and handling of eyewitness evidence in criminal investigations by law enforcement agencies**  
23 **in this state. The purpose of the guidelines is to provide law enforcement agencies with**  
24 **information regarding policies and procedures proven to increase the accuracy of the crime**  
25 **investigation process, thus reducing the possibility of erroneous convictions.**

26           **3. The guidelines required in subsection 2 of this section shall include procedures**  
27 **for the blind administration of live and photo lineups and instructions that will increase**  
28 **the accuracy of eyewitness identifications. Specifically, the guidelines shall include the**  
29 **following recommendations:**

30           **(1) The use of blind administration of live and photo lineups;**

31           **(2) Specific instructions to be given to the eyewitness before and during the**  
32 **identification procedure to increase the accuracy of any identification, including that the**  
33 **purpose of the identification procedure is to exculpate the innocent as well as to identify**  
34 **the actual perpetrator;**

35           **(3) The number and selection of fillers to be used in live and photo lineups;**

36           **(4) The use of sequential lineups;**

37           **(5) The inclusion of only one suspect in any live or photo lineup;**

38           **(6) The timing of when the administrator should request and record the eyewitness'**  
39 **statement of his or her confidence in his or her selection;**

40           **(7) The value of refraining from providing of any confirmatory information to the**  
41 **eyewitness;**

42           **(8) The photographing or other visual recording of the lineup; and**

43           **(9) What training, if any, should be made available to law enforcement personnel**  
44 **in the use of such procedures.**

45           **4. On or before April 1, 2008, the task force shall submit a report on the guidelines**  
46 **developed and recommendations concerning their use. Minority reports may also be**  
47 **issued. Such reports shall be submitted to the governor, the chief justice of the Missouri**  
48 **supreme court, and the standing committees of the general assembly having cognizance of**  
49 **matters relating to criminal law and procedure. The task force shall terminate on the date**  
50 **the report or reports are submitted in accordance with this section.**

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