

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 878, Page 1, in the Title, Line 3, by deleting "corporate security advisors"  
2 and inserting in lieu thereof "persons licensed by the department of public safety"; and

3  
4 Further amend said bill, page, Section A, Line 2, by inserting the following after all of said line:

5  
6 "542.288. 1. (1) If a peace officer determines it is necessary to search a vehicle or person  
7 inside a vehicle regarding an alleged violation of law or ordinance, the peace officer may conduct the  
8 search only after complying with the provisions of subdivision (2) of this subsection.

9 (2) Prior to conducting a search under subdivision (1) of this subsection, a peace officer shall  
10 read the following statement either to the person with the authority to provide permission to search  
11 the vehicle or to the person who would be subject to the search, whichever applies: "I AM ASKING  
12 FOR YOUR CONSENT TO CONDUCT A SEARCH OF THE VEHICLE OR YOUR PERSON.  
13 YOU HAVE THE RIGHT TO REFUSE TO CONSENT TO THE SEARCH OR YOU MAY  
14 KNOWINGLY, FREELY, AND VOLUNTARILY CONSENT TO THE SEARCH. DO YOU  
15 UNDERSTAND THESE RIGHTS AS THEY HAVE BEEN READ TO YOU? DO YOU CHOOSE  
16 TO WAIVE YOUR RIGHT TO REFUSE MY REQUESTED SEARCH?".

17 (3) After reading the statement in subdivision (2) of this subsection, a peace officer may  
18 conduct the requested search only if the person subject to the search consents, knowingly, freely, and  
19 voluntarily, in writing, to the search.

20 2. A peace officer reading the statement required under subdivision (2) of subsection 1 of  
21 this section is not required to read the statement verbatim. Substantial compliance with the content  
22 of the statement is sufficient to comply with the requirement in subdivision (2) of subsection 1 of this  
23 section.

24 3. If the person subject to the search consents knowingly, freely, and voluntarily, such person  
25 shall sign a form, which shall include the following information:

26 (1) The date and location of the stop;

27 (2) The name and identification number of the peace officer making the request for consent  
28 to search;

29 (3) The names and identification numbers of any additional peace officers who actively  
30 participate in the discussion with the driver or passenger or passengers concerning the request for  
31 consent to search;

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1           (4) A statement informing the driver or other person authorized to give consent of the right  
2 to refuse to grant consent to search, and that if the driver or other person authorized to give consent  
3 grants consent, the driver or other person authorized to give consent at any time for any reason may  
4 withdraw consent to search;

5           (5) A statement informing the driver or other person authorized to give consent of the right  
6 to be present during the search at a location consistent with the safety of both the peace officer and  
7 the motor vehicle occupant or occupants which may be knowingly waived;

8           (6) Check-off boxes to indicate whether consent has been granted, and if consent is granted,  
9 the driver or other person authorized to give consent shall check the appropriate box and sign and  
10 date the form; and

11           (7) If the driver or other person authorized to give consent refuses consent, the peace officer  
12 or the driver or other person authorized to give consent shall so note on the form and the driver or  
13 other person authorized to give consent shall not be required to sign the form.

14           4. A peace officer who requests permission to conduct a search shall document in a written  
15 report the following information regardless of whether the request for permission to conduct a search  
16 was granted or denied:

17           (1) The name of the driver or other person authorized to give consent to whom the request  
18 for consent is directed, and that person's gender, race or ethnicity, and, if known, date of birth;

19           (2) The names and identification numbers of all peace officers who actively participate in the  
20 search;

21           (3) The circumstances which constituted the reasonable suspicion giving rise to the request  
22 for consent;

23           (4) If consent initially is granted and then withdrawn, the fact that this occurred, and whether  
24 the search continued based on probable cause or other nonconsensual ground, or was it terminated as  
25 a result of the withdrawal of consent;

26           (5) A description of the type and quantity of any contraband or other property seized; and

27           (6) Whether the discussion concerning the request for consent to search or any ensuing  
28 consent search was recorded using any mobile video or audio equipment.

29           5. The peace officer shall sign and date the form and the report after each is fully completed.

30           6. A peace officer shall complete a report whenever, during any motor vehicle stop, the  
31 peace officer conducts a nonconsensual search of a motor vehicle, excluding vehicles searches begun  
32 as a consent search. The report shall include the following information:

33           (1) The date and location of the stop;

34           (2) The names and identification numbers of all peace officers who actively participated in  
35 the incident;

36           (3) The driver's name, gender, race or ethnicity, and, if known, date of birth;

37           (4) A description of the circumstances which provided probable cause to conduct the search  
38 or otherwise justified the search;

39           (5) A description of the type and quantity of any contraband or other property seized; and

40           (6) Whether the incident was recorded using mobile video or audio equipment.

41           542.289. 1. The reporting peace officer's supervisor shall review each report prepared under

1 section 542.288 within fourteen days of the precipitating incident and, as appropriate, in conjunction  
 2 with that review, may view any associated mobile video or audio tape.

3 2. The department of public safety shall adopt a protocol requiring that peace officer  
 4 supervisors review mobile video or audio tapes of motor vehicle stops on a random basis. The  
 5 protocol shall establish the schedule for conducting random reviews and shall specify whether and in  
 6 what manner the personnel conducting the review shall prepare a written report on each randomized  
 7 review of a mobile video or audio tape.

8 3. After conducting a review under subsections 1 and 2 of this section, the personnel  
 9 conducting the review shall refer for investigation to the appropriate persons any incident that  
 10 reasonably indicates a possible violation of section 542.288 concerning search and seizure  
 11 procedures, nondiscrimination requirements, and mobile video or audio equipment use requirements.  
 12 Subsequent investigation shall be conducted by the attorney general. Appropriate personnel shall  
 13 evaluate all incidents reviewed to determine the need to implement any intervention for the involved  
 14 peace officer. If concerns arise, supervisors may require that the peace officer be counseled, receive  
 15 additional training, or that some other nondisciplinary action be taken.

16 590.650. 1. As used in this section "minority group" means individuals of African, Hispanic,  
 17 Native American or Asian descent.

18 2. Each time a peace officer stops a driver of a motor vehicle, that officer shall report the  
 19 following information to the law enforcement agency that employs the officer:

20 (1) The age, gender and race or minority group of the individual stopped;

21 (2) The reasons for the stop;

22 (3) Whether a search was conducted as a result of the stop;

23 (4) If a search was conducted, whether the individual consented to the search, the probable  
 24 cause for the search, whether the person was searched, whether the person's property was searched,  
 25 and the duration of the search and the race or ethnicity, approximate age, and gender of each person  
 26 searched;

27 (5) Whether any contraband was discovered in the course of the search and the type of any  
 28 contraband discovered;

29 (6) The number of drivers stopped for routine traffic enforcement by peace officers, the  
 30 peace officer making each stop, the date each stop was made, the agency of the peace officer making  
 31 each stop, and whether any warning or citation was issued [as a result of the stop];

32 (7) If a warning or citation was issued, the violation charged or warning provided;

33 (8) Whether an arrest was made as a result of either the stop or the search;

34 (9) If an arrest was made, the crime charged; and

35 (10) Whether any property was seized, with a description of that property;

36 (11) Whether the peace officer making the stop encountered any physical resistance from the  
 37 driver or passenger or passengers;

38 (12) Whether the peace officer making the stop engaged in the use of force against the  
 39 driver, passenger, or passengers for any reason;

40 (13) Whether any injuries resulted from the stop;

41 (14) Whether the circumstances surrounding the stop were the subject of any investigation

1 and the results of that investigation;

2 (15) Whether any written citation or any oral or written warning was issued as a result of the  
3 stop;

4 (16) The location of the stop. If the peace officer making the stop is a member of the  
5 Missouri state highway patrol, the location shall be the highway patrol troop location and county in  
6 which the stop was made. For all other peace officers, the location shall be the city or county in  
7 which the stop was made. Such information may be reported using a format determined by the  
8 department of public safety which uses existing citation and report forms.

9 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this  
10 section for the calendar year into a report to the attorney general.

11 (2) Each law enforcement agency shall submit the report to the attorney general no later than  
12 March first of the following calendar year.

13 (3) The attorney general shall determine the format that all law enforcement agencies shall  
14 use to submit the report.

15 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies  
16 required by this section and submit a report of the findings to the governor, the general assembly and  
17 each law enforcement agency no later than June first of each year.

18 (2) The report of the attorney general shall include at least the following information for  
19 each agency:

20 (a) The total number of vehicles stopped by peace officers during the previous calendar year;

21 (b) The number and percentage of stopped motor vehicles that were driven by members of  
22 each particular minority group;

23 (c) A comparison of the percentage of stopped motor vehicles driven by each minority group  
24 and the percentage of the state's population that each minority group comprises; and

25 (d) A compilation of the information reported by law enforcement agencies pursuant to  
26 subsection 2 of this section.

27 5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

28 (1) Prohibits the practice of routinely stopping members of minority groups for violations of  
29 vehicle laws as a pretext for investigating other violations of criminal law;

30 (2) Provides for periodic reviews by the law enforcement agency of the annual report of the  
31 attorney general required by subsection 4 of this section that:

32 (a) Determine whether any peace officers of the law enforcement agency have a pattern of  
33 stopping members of minority groups for violations of vehicle laws in a number disproportionate to  
34 the population of minority groups residing or traveling within the jurisdiction of the law enforcement  
35 agency; and

36 (b) If the review reveals a pattern, require an investigation to determine whether any peace  
37 officers of the law enforcement agency routinely stop members of minority groups for violations of  
38 vehicle laws as a pretext for investigating other violations of criminal law; and

39 (3) Provides for appropriate counseling and training of any peace officer found to have  
40 engaged in race-based traffic stops within ninety days of the review. The course or courses of  
41 instruction and the guidelines shall stress understanding and respect for racial and cultural

1 differences, and development of effective, noncombative methods of carrying out law enforcement  
2 duties in a racially and culturally diverse environment.

3 6. If a law enforcement agency fails to comply with the provisions of this section, the  
4 governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

5 7. Each law enforcement agency in this state may utilize federal funds from  
6 community-oriented policing services grants or any other federal sources to equip each vehicle used  
7 for traffic stops with a video camera and voice-activated microphone.

8 8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully conducted  
9 sobriety check point or road block shall be exempt from the reporting requirements of subsection 2  
10 of this section.

11 9. Each peace officer making a stop covered by subdivision (6) of subsection 2 of this  
12 section shall be assigned an anonymous identification number by the peace officer's employing  
13 agency. The anonymous identifying number shall be public record and shall be reported to the  
14 criminal justice information services division within the Missouri state highway patrol to be  
15 correlated along with the data collected under subsection 2 of this section. The correlation between  
16 the identification numbers and the names of the peace officers shall not be a public record and shall  
17 not be disclosed by the law enforcement agency except when required by order of a court of  
18 competent jurisdiction to resolve a claim or defense properly before the court.

19 590.651. 1. The department of public safety shall create a management awareness program  
20 which will develop and implement computerized systems for maintaining and retrieving information  
21 necessary for the supervision and management of peace officers to promote professionalism and civil  
22 rights integrity, to identify and modify potentially problematic behavior, and to promote best  
23 practices.

24 2. The management awareness program shall consist of the following information:

25 (1) All items of information in connection with all motor vehicle stops that are to be  
26 recorded in a written report, form, or log, under section 590.650, except duplicate information need  
27 not be entered, and information as to whether the incident was recorded with any mobile video or  
28 audio equipment unless a patrol vehicle was equipped with mobile video or audio equipment that  
29 was not functioning;

30 (2) Information on civilian compliments and other indicia of positive performance;  
31 information on misconduct investigations; reports on use of force associated with motor vehicle  
32 stops; on-duty and off-duty criminal arrest and criminal charges; civil suits involving alleged  
33 misconduct by peace officers while on duty; civil suits in which a peace officer is named as a party  
34 involving off-duty conduct that alleges racial bias, physical violence, or threats of violence; and

35 (3) Implementation of interventions; and training information including the name of the  
36 course, date started, date completed, and training location for each member receiving training.

37 3. All information in the management awareness program on substantiated misconduct  
38 investigations, civilian compliments, and other indicia of positive performance which can be  
39 attributed to a specific peace officer shall be made available to that peace officer on an annual basis  
40 upon written request. Nothing in this subsection shall be construed as granting such peace officer  
41 access to confidential documents other than those identified in this subsection, or to any information

1 which cannot be attributed to the peace officer requesting the information.

2 4. If information about a single incident is included within the management awareness  
3 program from more than one document, a common control number or other means to link the  
4 information from different sources shall be used so that the user can cross-reference the information  
5 and perform analyses.

6 5. The department of public safety shall ensure that information included within the  
7 management awareness program in an accurate and timely fashion and is maintained in a secure  
8 manner."; and

9  
10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.