

FIRST REGULAR SESSION

HOUSE BILL NO. 334

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

0295H.031

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 563, RSMo, by adding thereto one new section relating to officer-involved deaths.

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

Section A. Chapter 563, RSMo, is amended by adding thereto one new section, to be
2 known as section 563.078, to read as follows:

**563.078. 1. Each law enforcement agency shall have a written policy regarding the
2 investigation of officer-involved deaths that involve a law enforcement officer employed
3 by the law enforcement agency. Such policy shall designate in advance the outside law
4 enforcement agency that shall conduct the investigation.**

**5 2. The prosecutor for the county or city not within a county in which the officer-
6 involved death occurred shall have a written policy designating an outside prosecutor to
7 determine if charges shall be brought against the officer.**

**8 3. The investigator conducting the investigation under subsection 1 of this section
9 shall provide a complete report to the outside prosecutor designated in subsection 2 of this
10 section. If the outside prosecutor determines that there is no basis to prosecute the law
11 enforcement officer involved in the officer-involved death, the outside prosecutor may
12 release the report to the general public.**

**13 4. The provisions of this section shall only apply to officer-involved deaths that
14 occur after August 28, 2015.**

15 5. As used in this section the following terms shall mean:

**16 (1) "Law enforcement agency", any agency of this state that employs law
17 enforcement officers;**

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.

18 **(2) “Law enforcement officer”, any public servant having both the power and duty**
19 **to make arrests for violations of the laws of this state except a member of the Missouri state**
20 **highway patrol;**

21 **(3) “Officer-involved death”, a death of an individual that results directly from an**
22 **action or an omission of a law enforcement officer while the law enforcement officer is on**
23 **duty or while the law enforcement officer is off duty but performing activities that are**
24 **within the scope of his or her law enforcement duties;**

25 **(4) “Outside law enforcement agency”, any law enforcement agency that does not**
26 **employ any officer involved in the officer-related shooting;**

27 **(5) “Outside prosecutor”, the prosecutor of an adjoining county or any city not**
28 **within a county to the county or city not within a county in which the officer-related**
29 **shooting occurred or a person designated by the Missouri Office of Prosecution Services**
30 **and chosen in advance by a written policy.**

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