

FIRST REGULAR SESSION

HOUSE BILL NO. 1352

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

2058L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to racial profiling data collected by peace officers.

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

Section A. Section 590.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.650, to read as follows:

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

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

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

(2) The reasons for the stop;

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

(4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property

was searched, and the duration of the search **and the race or ethnicity, approximate age, and gender of each person searched;**

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

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

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 (7) If a warning or citation was issued, the violation charged or warning provided;
- 19 (8) Whether an arrest was made as a result of either the stop or the search;
- 20 (9) If an arrest was made, the crime charged; and
- 21 (10) **Whether any property was seized, with a description of that property;**
- 22 (11) **Whether the peace officer making the stop encountered any physical resistance**
- 23 **from the driver or passenger or passengers;**
- 24 (12) **Whether the peace officer making the stop engaged in the use of force against**
- 25 **the driver, passenger, or passengers for any reason;**
- 26 (13) **Whether any injuries resulted from the stop;**
- 27 (14) **Whether the circumstances surrounding the stop were the subject of any**
- 28 **investigation and the results of that investigation;**
- 29 (15) **Whether any written citation or any oral or written warning was issued as a**
- 30 **result of the stop;**
- 31 (16) The location of the stop. **If the peace officer making the stop is a member of the**
- 32 **Missouri state highway patrol, the location shall be the highway patrol troop location and**
- 33 **county in which the stop was made. For all other peace officers, the location shall be the**
- 34 **city or county in which the stop was made.** Such information may be reported using a format
- 35 determined by the department of public safety which uses existing citation and report forms.
- 36 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of
- 37 this section for the calendar year into a report to the attorney general.
- 38 (2) Each law enforcement agency shall submit the report to the attorney general no later
- 39 than March first of the following calendar year.
- 40 (3) The attorney general shall determine the format that all law enforcement agencies
- 41 shall use to submit the report.
- 42 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies
- 43 required by this section and submit a report of the findings to the governor, the general assembly
- 44 and each law enforcement agency no later than June first of each year.
- 45 (2) The report of the attorney general shall include at least the following information for
- 46 each agency:
- 47 (a) The total number of vehicles stopped by peace officers during the previous calendar
- 48 year;
- 49 (b) The number and percentage of stopped motor vehicles that were driven by members
- 50 of each particular minority group;
- 51 (c) A comparison of the percentage of stopped motor vehicles driven by each minority
- 52 group and the percentage of the state's population that each minority group comprises; and

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

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

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

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

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

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

67 (3) Provides for appropriate counseling and training of any peace officer found to have
68 engaged in race-based traffic stops within ninety days of the review. The course or courses of
69 instruction and the guidelines shall stress understanding and respect for racial and cultural
70 differences, and development of effective, noncombative methods of carrying out law
71 enforcement duties in a racially and culturally diverse environment.

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

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

78 8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully conducted
79 sobriety check point or road block shall be exempt from the reporting requirements of subsection
80 2 of this section.

81 **9. Each peace officer making a stop covered by subdivision (6) of subsection 2 of**
82 **this section shall be assigned an anonymous identification number by the officer's**
83 **employing agency. The anonymous identifying number shall be public record and shall**
84 **be reported to the criminal justice information services division within the Missouri state**
85 **highway patrol to be correlated along with the data collected under subsection 2 of this**
86 **section. The correlation between the identification numbers and the names of the peace**
87 **officers shall not be a public record and shall not be disclosed by the law enforcement**

88 **agency except when required by order of a court of competent jurisdiction to resolve a**
89 **claim or defense properly before the court.**

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