

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

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 436, Page 1, Section A, Line 2, by  
2 inserting after all of said section and line the following:

3  
4 "590.180. 1. No arrest shall be deemed unlawful solely because of the licensure status of a  
5 peace officer, and evidence on the question cannot be received in any civil or criminal case.

6 2. The name, licensure status, and commissioning or employing law enforcement agency, if  
7 any, of applicants and licensees pursuant to this chapter shall be an open record. Any records  
8 relating to the disciplinary action taken against a law enforcement officer when an officer has  
9 applied for a position within a law enforcement agency other than the one in which the disciplinary  
10 action arose shall be disclosed by the director to the law enforcement agency at which the officer  
11 has applied for employment, upon the agency's request. All other records retained by the director  
12 pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public  
13 or any member of the public, except with written consent of the person or entity whose records are  
14 involved, provided, however, that the director may disclose such information in the course of  
15 voluntary interstate exchange of information, during the course of litigation involving the director,  
16 or to other state agencies[~~, or, upon a final determination of cause to discipline, to law enforcement~~  
17 ~~agencies].~~ No closed record conveyed to the director pursuant to this chapter shall lose its status as  
18 a closed record solely because it is retained by the director. Nothing in this section shall be used to  
19 compel the director to disclose any record subject to attorney-client privilege or work-product  
20 privilege.

21 3. In any investigation, hearing, or other proceeding pursuant to this chapter, any record  
22 relating to any applicant or licensee shall be discoverable by the director and shall be admissible  
23 into evidence, regardless of any statutory or common law privilege or the status of any record as  
24 open or closed, including records in criminal cases whether or not a sentence has been imposed. No  
25 person or entity shall withhold records or testimony bearing upon the fitness to be commissioned as  
26 a peace officer of any applicant or licensee on the ground of any privilege involving the applicant or  
27 licensee, with the exception of attorney-client privilege.

28 4. Any person or entity submitting information to the director pursuant to this chapter and  
29 doing so in good faith and without negligence shall be immune from all criminal and civil liability  
30 arising from the submission of such information and no cause of action of any nature shall arise  
31 against such person.

32 5. No person shall make any unauthorized use of any testing materials or certification  
33 examination administered pursuant to subsection 2 of section 590.030."; and

34  
35 Further amend said bill by amending the title, enacting clause, and intersectional references  
36 accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_