

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2179, Page 2, Section 34.600, Line 40, by inserting after all of said section
2 and line the following:

3
4 "590.825. 1. The provisions of this section shall be known and may be cited as the
5 "Protesters' Bill of Rights".

6 2. Except as provided in subsection 3 of this section, no law enforcement officer or agency
7 shall declare an unlawful assembly under the provisions of section 574.040 for the sole purpose of
8 punishing persons for exercising their constitutional rights to engage in expressive activity, nor shall
9 any law enforcement officer or agency:

10 (1) Use chemical agents, whatever the method of deployment, against any person engaged
11 in expressive, nonviolent activity in the absence of probable cause to arrest the person and without
12 first issuing clear and unambiguous warnings that the person is subject to arrest and that such
13 chemical agents will be used, and providing the person sufficient opportunity to heed the warnings
14 and comply with lawful law enforcement commands;

15 (2) Use or threaten to use chemical agents, whatever the method of deployment, against any
16 person engaged in expressive, nonviolent activity for the purpose of punishing the person for
17 exercising his or her constitutional rights; or

18 (3) Issue orders or use chemical agents, whatever the method of deployment, for the
19 purpose of dispersing persons engaged in expressive, nonviolent activity without first specifying,
20 with reasonable particularity, the area from which dispersal is ordered; issuing audible and
21 unambiguous orders in a manner designed to notify all persons within the area that dispersal is
22 required and providing sufficient warnings of the consequences of failing to disperse including,
23 where applicable, that chemical agents will be used; providing a sufficient and announced amount of
24 time that is proximately related to the issuance of the dispersal order in which to heed the warnings
25 and exit the area; and announcing and ensuring a means of safe egress from the area that is actually
26 available to all persons.

27 3. The provisions of subsection 2 shall not apply when persons at the scene present an
28 imminent threat of violence or bodily harm to persons or damage to property, or where law
29 enforcement officers or agencies are required to defend themselves or other persons or property
30 against imminent threat of violence.

31 4. For purposes of this section, "chemical agents" includes, but is not limited to, mace or
32 oleoresin capsicum spray; mist, pepper spray, or pepper gas; tear gas; skunk; inert smoke; pepper
33 pellets; and xylol bromide."; and

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

Action Taken _____ Date _____