

SECOND REGULAR SESSION

HOUSE BILL NO. 2132

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTLER.

5156H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to investigations of officer-involved incidents.

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

Section A. Chapter 590, RSMo, is amended by adding thereto one new section, to be
2 known as section 590.513, to read as follows:

3 **590.513. 1. If an officer-involved death occurs, the attorney general shall appoint**
4 **a special prosecutor to investigate the officer's actions regarding such death. The special**
5 **prosecutor shall conduct an investigation and determine if charges are appropriate.**

6 **2. If severe officer misconduct is alleged, the attorney general shall determine the**
7 **validity of the allegation and, if severe officer misconduct likely occurred, appoint a special**
8 **prosecutor to investigate the officer's actions regarding such incident. The special**
9 **prosecutor shall conduct an investigation and determine if charges are appropriate.**

10 **3. The attorney general shall have discretion to appoint any attorney licensed in**
11 **this state as a special prosecutor. Such special prosecutor shall possess all powers of a**
12 **prosecuting attorney or assistant attorney general in exercising his or her prosecutorial**
13 **duties. If such special prosecutor is a prosecutor of a county or city not within a county,**
14 **he or she shall receive no additional compensation for serving as special prosecutor. If the**
15 **special prosecutor is not a prosecutor of a county or city not within a county, he or she**
16 **shall receive a reasonable fee for serving as such special prosecutor. Such fee shall be fixed**
17 **by the judge appointing the attorney and shall be paid from the funds of the office of the**
18 **prosecutor of the jurisdiction in which the complaint or charges are filed.**

19 **4. For the purposes of this section, the following terms mean:**

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 **(1) "Officer-involved death", the death of an individual that occurred while the**
19 **individual was in police custody or that results directly from an action or omission by a law**
20 **enforcement officer while the officer is on duty or while off duty but performing activities**
21 **that are within the scope of his or her law enforcement duties;**

22 **(2) "Severe officer misconduct", an incident in which an individual is injured as**
23 **a result of an action or omission by a law enforcement officer while the officer is on duty**
24 **or while off duty but performing activities that are within the scope of his or her law**
25 **enforcement duties if such action or omission was illegal.**

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