

HOUSE COMMITTEE BILL NO. 2

AN ACT

To repeal sections 311.060, 311.660, 313.220, 543.270, 558.006, 559.016, 559.600, and 590.650, RSMo, and to enact in lieu thereof eleven new sections relating to criminal justice, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 311.060, 311.660, 313.220, 543.270, 558.006, 559.016, 559.600, and 590.650, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 217.199, 221.065, 311.060, 311.660, 313.220, 543.270, 558.006, 558.043, 559.016, 559.600, and 590.650, to read as follows:

217.199. 1. As used in this section, "healthcare products" include tampons and sanitary napkins.

2. The director shall ensure that healthcare products are available for free to offenders while confined in any correctional center of the department, in a quantity that is appropriate for the healthcare needs of each offender. The director shall ensure that the healthcare products conform with applicable industry standards.

221.065. 1. As used in this section, "healthcare products" include tampons and sanitary napkins.

2. Every sheriff and jailer who holds a person in custody pursuant to a writ or process or for a criminal offense shall ensure that healthcare products are available for free to such

1 person while in custody, in a quantity that is appropriate for  
2 the healthcare needs of the person. The sheriff or jailer shall  
3 ensure that the healthcare products conform with applicable  
4 industry standards.

5 311.060. 1. No person shall be granted a license hereunder  
6 unless such person is of good moral character and a qualified  
7 legal voter and a taxpaying citizen of the county, town, city or  
8 village, nor shall any corporation be granted a license hereunder  
9 unless the managing officer of such corporation is of good moral  
10 character and a qualified legal voter and taxpaying citizen of  
11 the county, town, city or village; and, except as otherwise  
12 provided under subsection 7 of this section, no person shall be  
13 granted a license or permit hereunder whose license as such  
14 dealer has been revoked, or who has been convicted, since the  
15 ratification of the twenty-first amendment to the Constitution of  
16 the United States, of a violation of the provisions of any law  
17 applicable to the manufacture or sale of intoxicating liquor, or  
18 who employs in his or her business as such dealer any person  
19 whose license has been revoked unless five years have passed  
20 since the revocation as provided under subsection 6 of this  
21 section, or who has been convicted of violating such law since  
22 the date aforesaid; provided, that nothing in this section  
23 contained shall prevent the issuance of licenses to nonresidents  
24 of Missouri or foreign corporations for the privilege of selling  
25 to duly licensed wholesalers and soliciting orders for the sale  
26 of intoxicating liquors to, by or through a duly licensed  
27 wholesaler, within this state.

1           2. (1) No person, partnership or corporation shall be  
2 qualified for a license under this law if such person, any member  
3 of such partnership, or such corporation, or any officer,  
4 director, or any stockholder owning, legally or beneficially,  
5 directly or indirectly, ten percent or more of the stock of such  
6 corporation, or other financial interest therein, or ten percent  
7 or more of the interest in the business for which the person,  
8 partnership or corporation is licensed, or any person employed in  
9 the business licensed under this law shall have had a license  
10 revoked under this law except as otherwise provided under  
11 subsections 6 and 7 of this section, or shall have been convicted  
12 of violating the provisions of any law applicable to the  
13 manufacture or sale of intoxicating liquor since the ratification  
14 of the twenty-first amendment to the Constitution of the United  
15 States, or shall not be a person of good moral character.

16           (2) No license issued under this chapter shall be denied,  
17 suspended, revoked or otherwise affected based solely on the fact  
18 that an employee of the licensee has been convicted of a felony  
19 unrelated to the manufacture or sale of intoxicating liquor.

20 ~~[Each employer shall report the identity of any employee~~  
21 ~~convicted of a felony to the division of liquor control.]~~ The  
22 division of liquor control shall promulgate rules to enforce the  
23 provisions of this subdivision.

24           (3) No wholesaler license shall be issued to a corporation  
25 for the sale of intoxicating liquor containing alcohol in excess  
26 of five percent by weight, except to a resident corporation as  
27 defined in this section.

1           3. A "resident corporation" is defined to be a corporation  
2 incorporated under the laws of this state, all the officers and  
3 directors of which, and all the stockholders, who legally and  
4 beneficially own or control sixty percent or more of the stock in  
5 amount and in voting rights, shall be qualified legal voters and  
6 taxpaying citizens of the county and municipality in which they  
7 reside and who shall have been bona fide residents of the state  
8 for a period of three years continuously immediately prior to the  
9 date of filing of application for a license, provided that a  
10 stockholder need not be a voter or a taxpayer, and all the  
11 resident stockholders of which shall own, legally and  
12 beneficially, at least sixty percent of all the financial  
13 interest in the business to be licensed under this law; provided,  
14 that no corporation, licensed under the provisions of this law on  
15 January 1, 1947, nor any corporation succeeding to the business  
16 of a corporation licensed on January 1, 1947, as a result of a  
17 tax-free reorganization coming within the provisions of Section  
18 112, United States Internal Revenue Code, shall be disqualified  
19 by reason of the new requirements herein, except corporations  
20 engaged in the manufacture of alcoholic beverages containing  
21 alcohol in excess of five percent by weight, or owned or  
22 controlled, directly or indirectly, by nonresident persons,  
23 partnerships or corporations engaged in the manufacture of  
24 alcoholic beverages containing alcohol in excess of five percent  
25 by weight.

26           4. The term "financial interest" as used in this chapter is  
27 defined to mean all interest, legal or beneficial, direct or

1 indirect, in the capital devoted to the licensed enterprise and  
2 all such interest in the net profits of the enterprise, after the  
3 payment of reasonable and necessary operating business expenses  
4 and taxes, including interest in dividends, preferred dividends,  
5 interest and profits, directly or indirectly paid as compensation  
6 for, or in consideration of interest in, or for use of, the  
7 capital devoted to the enterprise, or for property or money  
8 advanced, loaned or otherwise made available to the enterprise,  
9 except by way of ordinary commercial credit or bona fide bank  
10 credit not in excess of credit customarily granted by banking  
11 institutions, whether paid as dividends, interest or profits, or  
12 in the guise of royalties, commissions, salaries, or any other  
13 form whatsoever.

14 5. The supervisor shall by regulation require all  
15 applicants for licenses to file written statements, under oath,  
16 containing the information reasonably required to administer this  
17 section. Statements by applicants for licenses as wholesalers  
18 and retailers shall set out, with other information required,  
19 full information concerning the residence of all persons  
20 financially interested in the business to be licensed as required  
21 by regulation. All material changes in the information filed  
22 shall be promptly reported to the supervisor.

23 6. Any person whose license or permit issued under this  
24 chapter has been revoked shall be automatically eligible to work  
25 as an employee of an establishment holding a license or permit  
26 under this chapter five years after the date of the revocation.

27 7. Any person whose license or permit issued under this

1 chapter has been revoked shall be eligible to apply and be  
2 qualified for a new license or permit five years after the date  
3 of the revocation. The person may be issued a new license or  
4 permit at the discretion of the division of alcohol and tobacco  
5 control. If the division denies the request for a new permit or  
6 license, the person may not submit a new application for five  
7 years from the date of the denial. If the application is  
8 approved, the person shall pay all fees required by law for the  
9 license or permit. Any person whose request for a new license or  
10 permit is denied may seek a determination by the administrative  
11 hearing commission as provided under section 311.691.

12 311.660. 1. The supervisor of liquor control shall have  
13 the authority to suspend or revoke for cause all such licenses;  
14 and to make the following regulations, without limiting the  
15 generality of provisions empowering the supervisor of liquor  
16 control as in this chapter set forth as to the following matters,  
17 acts and things:

18 (1) Fix and determine the nature, form and capacity of all  
19 packages used for containing intoxicating liquor of any kind, to  
20 be kept or sold under this law;

21 (2) Prescribe an official seal and label and determine the  
22 manner in which such seal or label shall be attached to every  
23 package of intoxicating liquor so sold under this law; this  
24 includes prescribing different official seals or different labels  
25 for the different classes, varieties or brands of intoxicating  
26 liquor;

27 (3) Prescribe all forms, applications and licenses and such

1 other forms as are necessary to carry out the provisions of this  
2 chapter, except that when a licensee substantially complies with  
3 all requirements for the renewal of a license by the date on  
4 which the application for renewal is due, such licensee shall be  
5 permitted at least an additional ten days from the date notice is  
6 sent that the application is deficient, in which to complete the  
7 application;

8 (4) Prescribe the terms and conditions of the licenses  
9 issued and granted under this law;

10 (5) Prescribe the nature of the proof to be furnished and  
11 conditions to be observed in the issuance of duplicate licenses,  
12 in lieu of those lost or destroyed;

13 (6) Establish rules and regulations for the conduct of the  
14 business carried on by each specific licensee under the license,  
15 and such rules and regulations if not obeyed by every licensee  
16 shall be grounds for the revocation or suspension of the license;

17 (7) The right to examine books, records and papers of each  
18 licensee and to hear and determine complaints against any  
19 licensee;

20 (8) To issue subpoenas and all necessary processes and  
21 require the production of papers, to administer oaths and to take  
22 testimony;

23 (9) Prescribe all forms of labels to be affixed to all  
24 packages containing intoxicating liquor of any kind; and

25 (10) To make such other rules and regulations as are  
26 necessary and feasible for carrying out the provisions of this  
27 chapter, as are not inconsistent with this law.

1           2. Notwithstanding subsection 1 of this section, the  
2 supervisor of liquor control shall not prohibit persons from  
3 participating in the sale of intoxicating liquor solely on the  
4 basis of being found guilty of any felony offense, except for  
5 prohibitions set forth in sections 311.191 and 311.193.

6           313.220. 1. The commission shall promulgate such rules and  
7 regulations governing the establishment and operation of a state  
8 lottery as it deems necessary and desirable to fully implement  
9 the mandate of the people expressed in the approval of the  
10 lottery amendment to Article III of the Missouri Constitution.  
11 Such rules and regulations shall be designed so that a lottery  
12 may be initiated at the earliest feasible and practicable time.  
13 No rule or portion of a rule promulgated under the authority of  
14 this chapter shall become effective unless it has been  
15 promulgated pursuant to the provisions of section 536.024.

16           2. The commission shall have the authority to require a  
17 fingerprint background check on any person seeking employment or  
18 employed by the commission, any person seeking contract with or  
19 contracted to the commission and any person seeking license from  
20 or licensed by the commission. The background check shall  
21 include a check of the Missouri criminal records repository and  
22 when the commission deems it necessary to perform a nationwide  
23 criminal history check, a check of the Federal Bureau of  
24 Investigation's criminal records file. Fingerprints shall be  
25 submitted to the Missouri criminal records repository as  
26 required. Notwithstanding the provisions of section 610.120, the  
27 commission shall have access to closed criminal history



1 information when fingerprints are submitted. The commission  
2 shall not prohibit a person from participating in the sale of  
3 lottery tickets solely on the basis of the person being found  
4 guilty of any criminal offense; except that, the person shall not  
5 be eligible to be a licensed lottery game retailer under  
6 subsection 2 of section 313.260.

7 543.270. [~~1.~~ ~~When any person shall be unable to pay any~~  
8 ~~fine and costs assessed against him, the associate circuit judge~~  
9 ~~shall have power, at the request of the defendant, to commute~~  
10 ~~such fine and costs to imprisonment in the county jail, which~~  
11 ~~shall be credited at the rate of ten dollars of such fine and~~  
12 ~~costs for each day's imprisonment.~~

13 ~~——2.]~~ When a fine is assessed by [~~an~~] a municipal judge,  
14 associate circuit judge, or circuit judge, it shall be within his  
15 or her discretion to provide for the payment of the fine on an  
16 installment basis under such terms and conditions as he or she  
17 may deem appropriate. In no event shall the recovery of costs  
18 incurred by a municipality or county for the detention,  
19 imprisonment, or holding of any person be the subject of any  
20 condition of probation, nor shall the failure to pay such costs  
21 be the sole basis for the issuance of a warrant.

22 558.006. [~~1.~~] When an offender sentenced to pay a fine  
23 defaults in the payment of the fine or in any installment, [~~the~~  
24 ~~court upon motion of the prosecuting attorney or upon its own~~  
25 ~~motion may require him or her to show cause why he or she should~~  
26 ~~not be imprisoned for nonpayment. The court may issue a warrant~~  
27 ~~of arrest or a summons for his or her appearance.~~

1 ~~2. Following an order to show cause under subsection 1 of~~  
2 ~~this section, unless the offender shows that his or her default~~  
3 ~~was not attributable to an intentional refusal to obey the~~  
4 ~~sentence of the court, or not attributable to a failure on his or~~  
5 ~~her part to make a good faith effort to obtain the necessary~~  
6 ~~funds for payment, the court may order the defendant imprisoned~~  
7 ~~for a term not to exceed one hundred eighty days if the fine was~~  
8 ~~imposed for conviction of a felony or thirty days if the fine was~~  
9 ~~imposed for conviction of a misdemeanor or infraction. The court~~  
10 ~~may provide in its order that payment or satisfaction of the fine~~  
11 ~~at any time will entitle the offender to his or her release from~~  
12 ~~such imprisonment or, after entering the order, may at any time~~  
13 ~~reduce the sentence for good cause shown, including payment or~~  
14 ~~satisfaction of the fine.~~

15 ~~3. If it appears that the default in the payment of a fine~~  
16 ~~is excusable under the standards set forth in subsection 2 of~~  
17 ~~this section, the court may enter an order allowing the offender~~  
18 ~~additional time for payment, reducing the amount of the fine or~~  
19 ~~of each installment, or revoking the fine or the unpaid portion~~  
20 ~~in whole or in part.~~

21 ~~4. When a fine is imposed on a corporation it is the duty~~  
22 ~~of the person or persons authorized to make disbursement of the~~  
23 ~~assets of the corporation and their superiors to pay the fine~~  
24 ~~from the assets of the corporation. The failure of such persons~~  
25 ~~to do so shall render them subject to imprisonment under~~  
26 ~~subsections 1 and 2 of this section.~~

27 ~~5. Upon default in the payment of a] the fine or [any]~~

1 installment [~~thereof, the fine may~~] shall be collected by any  
2 means authorized for the [~~enforcement~~] collection of money  
3 judgments, or may be waived at the discretion of the sentencing  
4 judge.

5 558.043. Notwithstanding any other provision of law, in  
6 sentencing a person convicted of an offense for which there is a  
7 statutory minimum sentence or a minimum prison term required by  
8 section 558.019 but that did not:

9 (1) Include the use, attempted use, or threatened use of  
10 serious physical force by the defendant against another person or  
11 result in the serious physical injury of another person by the  
12 defendant;

13 (2) Involve any sexual offense by the defendant against a  
14 minor other than an offense involving sexual contact if the  
15 victim was fourteen years of age or older and the defendant was  
16 not more than four years older than the victim and the sexual  
17 contact was consensual; or

18 (3) Include the brandishing or discharge of a firearm by  
19 the defendant,

20  
21 the court may depart from the applicable statutory minimum  
22 sentence or minimum prison term required by section 558.019 if  
23 the court finds substantial and compelling reasons on the record  
24 that, giving due regard to the nature of the offense, the history  
25 and character of the defendant, and his or her chances of  
26 successful rehabilitation, imposition of the statutory minimum  
27 sentence or minimum prison term required by section 558.019 would

1 result in substantial injustice to the defendant or is not  
2 necessary for the protection of the public.

3 559.016. 1. Unless terminated as provided in section  
4 559.036 or modified under section 217.703, the terms during which  
5 each probation shall remain conditional and be subject to  
6 revocation are:

7 (1) A term of years not less than one year and not to  
8 exceed five years for a felony;

9 (2) A term not less than six months and not to exceed [~~two~~  
10 ~~years~~] eighteen months for a misdemeanor or municipal ordinance  
11 violation;

12 (3) A term not less than six months and not to exceed one  
13 year for an infraction.

14 2. The court shall designate a specific term of probation  
15 at the time of sentencing or at the time of suspension of  
16 imposition of sentence. Such term may be modified by the  
17 division of probation and parole under section 217.703.

18 3. The court may extend a period of probation [~~7~~]; however,  
19 no more than one extension of any probation may be ordered,  
20 except that the court may extend the total time on probation by  
21 one additional year by order of the court if the defendant admits  
22 he or she has violated the conditions of his or her probation or  
23 is found by the court to have violated the conditions of his or  
24 her probation. Total time on any probation term, including any  
25 extension, shall not exceed the maximum term as established in  
26 subsection 1 of this section plus one additional year if the  
27 defendant admits or the court finds that the defendant has

1 violated the conditions of his or her probation.

2 559.600. 1. In cases where the board of probation and  
3 parole is not required under section 217.750 to provide probation  
4 supervision and rehabilitation services for misdemeanor  
5 offenders, the circuit and associate circuit judges in a circuit  
6 may contract with one or more private entities or other  
7 court-approved entity to provide such services. The  
8 court-approved entity, including private or other entities, shall  
9 act as a misdemeanor probation office in that circuit and shall,  
10 pursuant to the terms of the contract, supervise persons placed  
11 on probation by the judges for class A, B, C, and D misdemeanor  
12 offenses, specifically including persons placed on probation for  
13 violations of section 577.023. Nothing in sections 559.600 to  
14 559.615 shall be construed to prohibit the board of probation and  
15 parole, or the court, from supervising misdemeanor offenders in a  
16 circuit where the judges have entered into a contract with a  
17 probation entity.

18 2. In all cases, the entity providing such private  
19 probation service shall utilize the cutoff concentrations  
20 utilized by the department of corrections with regard to drug and  
21 alcohol screening for clients assigned to such entity. A drug  
22 test is positive if drug presence is at or above the cutoff  
23 concentration or negative if no drug is detected or if drug  
24 presence is below the cutoff concentration. No client shall be  
25 required to submit to an alcohol or drug test unless the client  
26 is on probation for an offense that involved either alcohol or a  
27 controlled substance or unless ordered by the judge for good

1 cause shown.

2 3. In all cases, the entity providing such private  
3 probation service shall not require the clients assigned to such  
4 entity to travel in excess of fifty miles in order to attend  
5 their regular probation meetings.

6 590.650. 1. The provisions of this section shall be known  
7 and may be cited as "The John Ashcroft Fourth Amendment  
8 Affirmation Act". As used in this section [~~"minority group"~~  
9 ~~means individuals of African, Hispanic, Native American or Asian~~  
10 ~~deseent~~] the following terms mean:

11 (1) "Benchmark", the number used as a basis of comparison  
12 in determining possible disproportions in law enforcement  
13 activities, including the following:

14 (a) The benchmark for measuring disproportions in vehicle  
15 stops shall be the proportions of drivers in racial or ethnic  
16 groups residing or traveling in a jurisdiction;

17 (b) The benchmark for measuring disproportions in post-stop  
18 activities shall be the racial or ethnic group's proportion of  
19 stops; and

20 (c) The benchmark used to measure disproportions in hit  
21 rates shall be the group proportions of drivers searched;

22 (2) "Consent search", a search authorized by the consent of  
23 the individual, not by probable cause;

24 (3) "Discriminatory policing", circumstances in which the  
25 peace officer's actions are based in whole or in part on the real  
26 or perceived race, ethnicity, religious beliefs, gender, English  
27 language proficiency, status as a person with a disability, or a

1 person's national origin rather than upon specific and  
2 articulable facts which, taken together with rational inferences  
3 from those facts, reasonably indicate criminal activity.

4 "Discriminatory policing" does not include investigations of  
5 alleged crimes when law enforcement must seek out suspects who  
6 match a specifically delineated description;

7 (4) "Hit rate", the rate of searches in which contraband is  
8 found. The hit rate is calculated by dividing the number of  
9 searches that yield contraband by the total number of searches.  
10 Hit rate may be calculated for individual officers, agencies, or  
11 multiple agencies;

12 (5) "Investigative stop", any stop, by a peace officer, of  
13 a motor vehicle involving at least in part an investigation of a  
14 criminal violation other than a motor vehicle violation.  
15 Investigative stops can involve calls for service, stops  
16 conducted in support of an agency investigation, stops conducted  
17 because of a peace officer's observations, stops made at a  
18 sobriety checkpoint or other road block, or other investigatory  
19 stops;

20 (6) "Minority group", individuals of African, Hispanic,  
21 Native American, or Asian descent;

22 (7) "Ratio of disparity", the ratio of the rate of stops or  
23 other peace officer activities for a non-white group as compared  
24 to the rate for the white group. The ratio of disparity for the  
25 white group shall be the white group rate compared to the rate  
26 for non-white groups;

27 (8) "Significant disparity", a ratio of disparity that is

1 over one hundred twenty-five percent of the overall state  
2 disparity for any minority group for that category of officer  
3 activity after controlling for factors other than discrimination  
4 that are contributing to the disparity;

5 (9) "Significant disproportion", a ratio of disparity that  
6 is over one hundred twenty-five percent of the overall state  
7 ratio of disparity for any minority group for that category of  
8 peace officer activity.

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

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

15 (2) Whether the driver resides in the jurisdiction of the  
16 stop;

17 (3) The reasons for the stop. Reasons for an investigative  
18 stop include, but are not limited to, calls for service, stops  
19 conducted in support of an agency investigation, stops conducted  
20 because of a peace officer's observations, and stops made at a  
21 sobriety checkpoint or other road block;

22 [~~3~~] (4) Whether a search was conducted as a result of the  
23 stop;

24 [~~4~~] (5) If a search was conducted, whether the individual  
25 consented to the search, how the individual's consent was  
26 documented, the probable cause for the search, whether the person  
27 was searched, whether the person's property was searched, and the



1 duration of the search;

2 ~~[(5)]~~ (6) Whether any contraband was discovered in the  
3 course of the search and the type of any contraband discovered;

4 ~~[(6)]~~ (7) Whether any warning or citation was issued as a  
5 result of the stop;

6 ~~[(7)]~~ (8) If a warning or citation was issued, the  
7 violation charged or warning provided;

8 ~~[(8)]~~ (9) Whether an arrest was made as a result of either  
9 the stop or the search;

10 ~~[(9)]~~ (10) If an arrest was made, the crime charged; and

11 ~~[(10)]~~ (11) The location of the stop.

12  
13 Such information may be reported using a format determined by the  
14 department of public safety which uses existing citation and  
15 report forms.

16 3. (1) Each law enforcement agency shall compile the data  
17 described in subsection 2 of this section for the calendar year  
18 into a report to the attorney general.

19 (2) Each law enforcement agency shall submit the report to  
20 the attorney general no later than March first of the following  
21 calendar year.

22 (3) The attorney general shall determine the format that  
23 all law enforcement agencies shall use to submit the report. The  
24 attorney general may allow the department of public safety to  
25 extract the data from other reports filed by law enforcement  
26 agencies.

27 4. (1) The attorney general shall analyze the annual

1 reports of law enforcement agencies required by this section and  
2 submit a report of the findings to the governor, the general  
3 assembly and each law enforcement agency no later than June first  
4 of each year.

5 (2) The report shall identify situations in which data  
6 submitted by agencies indicate that racial and ethnic groups are  
7 disproportionately affected by law enforcement activity so that  
8 further analysis may be conducted to determine whether peace  
9 officers are engaging in discriminatory policing.

10 (3) The report shall provide group ratios of disparity for  
11 all categories of stops, post-stop activities, searches, and  
12 contraband found, using appropriate benchmarks as defined in  
13 subsection 1 of this section.

14 (4) The report of the attorney general shall include at  
15 least the following information for each agency and for the state  
16 overall:

17 (a) The total number of vehicles stopped by peace officers  
18 during the previous calendar year;

19 (b) The number and percentage of stopped motor vehicles  
20 that were driven by members of each particular minority group;

21 (c) ~~[A comparison of the percentage of stopped motor~~  
22 ~~vehicles driven by each minority group and the percentage of the~~  
23 ~~state's population that each minority group comprises]~~ Ratios of  
24 disparity for all categories of stops, post-stop activities,  
25 searches, and contraband using appropriate benchmarks as defined  
26 in subsection 1 of this section; and

27 (d) A compilation of the information reported by law

1 enforcement agencies pursuant to subsection 2 of this section.

2 5. (1) Each law enforcement agency shall adopt a policy on  
3 ~~race-based traffic stops~~ discriminatory policing that:

4 ~~[(1)]~~ (a) Prohibits ~~the practice of routinely stopping~~  
5 ~~members of minority groups for violations of vehicle laws as a~~  
6 ~~pretext for investigating other violations of criminal law]~~  
7 discriminatory policing;

8 ~~[(2)]~~ (b) Provides for ~~periodic~~ annual reviews by the law  
9 enforcement agency of the annual report of the attorney general  
10 required by subsection 4 of this section that:

11 ~~[(a)]~~ a. Determine whether any peace officers of the law  
12 enforcement agency have a pattern of stopping members of minority  
13 groups for violations of vehicle laws in a number  
14 disproportionate to the population of minority groups residing or  
15 traveling within the jurisdiction of the law enforcement agency;  
16 and

17 ~~[(b)]~~ b. If the review reveals a pattern, require an  
18 investigation to determine whether any peace officers of the law  
19 enforcement agency ~~routinely stop members of minority groups for~~  
20 ~~violations of vehicle laws as a pretext for investigating other~~  
21 ~~violations of criminal law; and]~~ engaged in discriminatory  
22 policing;

23 c. Include a review of complaints received by the law  
24 enforcement agency and a breakdown of which complaints were  
25 verified, found to be unfounded, remain active, and what steps  
26 were taken to address verified complaints. The review of  
27 complaints shall indicate the number of complaints alleging

1 discriminatory policing that a law enforcement agency received;  
2 and

3 d. The results of the review shall be made public, however,  
4 no personnel information prohibited by law shall be disclosed;  
5 and

6 ~~[(3)]~~ (c) Provides for appropriate discipline, up to and  
7 including dismissal, counseling, and training of any peace  
8 officer found to have engaged in [~~race-based traffic stops~~]  
9 discriminatory policing within ninety days of the review.

10  
11 The course or courses of instruction and the guidelines shall  
12 stress understanding and respect for racial and cultural  
13 differences, cultural competency, and development of effective,  
14 noncombative methods of carrying out law enforcement duties in a  
15 racially and culturally diverse environment.

16 (2) Each policy shall be in writing and accessible by the  
17 public. The attorney general shall certify that the  
18 discriminatory policing policy of each agency is substantially  
19 equivalent to the requirements of this subsection.

20 (3) Each policy shall put in place procedures to eliminate  
21 discriminatory policing.

22 6. When a motor vehicle has been stopped solely for a  
23 traffic violation, a peace officer shall request only the  
24 following documentation from only the driver of the motor  
25 vehicle:

26 (1) A driver's license or other verifiable  
27 government-issued identification, including foreign-issued

1 identification;

2 (2) Motor vehicle registration; and

3 (3) Proof of insurance.

4 7. Each law enforcement agency shall establish policies to  
5 eliminate discriminatory policing in the administration of  
6 consent searches. The procedures shall include the following:

7 (1) A peace officer shall have specific and articulable  
8 facts about the individual that, taken together with rational  
9 inferences from those facts, lead the peace officer to reasonably  
10 believe a search is needed;

11 (2) The peace officer shall document, in writing, such  
12 specific articulable facts about the circumstances leading to the  
13 request for consent in individual searches and if multiple  
14 searches take place under the same circumstances at or near the  
15 same time;

16 (3) Prior to requesting consent for a search, a peace  
17 officer shall communicate orally or in writing, in a language  
18 that the person being questioned clearly understands, that the  
19 person's consent must be voluntary, that the voluntary consent  
20 authorizes the search even if the peace officer does not have  
21 probable cause to search, that the lawfulness of the search  
22 cannot be challenged in court if consent is given, and that the  
23 person has the right to refuse the request to search;

24 (4) After providing such advisement, a peace officer shall  
25 obtain voluntary written or recorded audio or video consent to  
26 the search;

27 (5) The peace officer shall document whether the person

1 from whom the search was requested provided written consent, if  
2 that consent was recorded by audio or video, or whether consent  
3 was denied, and the law enforcement agency will submit this data  
4 for compilation in the attorney general's vehicle stop report;

5 (6) The peace officer shall not ask for consent when he or  
6 she has probable cause to conduct a search;

7 (7) Any evidence obtained as a result of a search prohibited  
8 by this section shall be inadmissible in any judicial proceeding;  
9 and

10 (8) Nothing contained in this subsection shall be construed  
11 to preclude a search based upon probable cause.

12 8. (1) If a law enforcement agency fails to comply with  
13 the provisions of this section, the governor may withhold any  
14 state funds appropriated to the noncompliant law enforcement  
15 agency.

16 (2) If a law enforcement agency reports for three  
17 consecutive years a significant disproportion, the attorney  
18 general shall study the efforts of the law enforcement agency  
19 to decrease its disproportion during the prior three years. If  
20 the attorney general determines that a significant disparity  
21 exists, the agency shall be subject to review for a period of  
22 three additional years.

23 (3) If, in its second year of review, a law enforcement  
24 agency reports a significant disproportion, and the attorney  
25 general's study determines that a significant disparity exists,  
26 and the law enforcement agency cannot show good-faith efforts, as  
27 determined by the attorney general, to remedy the disparity, the

1 attorney general shall require changes in the agency's policies  
2 and practices, including techniques for identifying problem  
3 officers, requirements that an officer's ratios of disparity  
4 along with any mitigating circumstances be a part of the record  
5 used to evaluate promotions and reassignments, training of  
6 supervisors in the skills necessary to eliminate discriminatory  
7 policing, and increasing the quality and quantity of officer  
8 training related to discriminatory policing. The attorney  
9 general's office shall work with other state agencies to provide  
10 financial assistance and expertise to facilitate these changes.

11 (4) If, in its third year of review, a law enforcement  
12 agency reports a significant disproportion and the attorney  
13 general's study determines a significant disparity exists, the  
14 attorney general shall also study the record of the law  
15 enforcement agency during the review period to determine if the  
16 disparities are of such magnitude that the law enforcement agency  
17 should be further penalized. The attorney general shall take  
18 into account whether the agency is making a good-faith effort to  
19 achieve nondiscriminatory policing. As a minimum penalty, the  
20 agency shall remain under review, with ongoing attorney general  
21 oversight, until such time as the agency's annual report shows  
22 that a significant disparity no longer exists or until such time  
23 as the attorney general's study determines that discriminatory  
24 policing is no longer a significant cause of the disparity. As a  
25 maximum penalty, or after six years of review, the attorney  
26 general shall order that the governing body or jurisdiction that  
27 the law enforcement agency serves be required, from that point

1 forward, to forfeit twenty-five percent of its annual general  
2 operating revenue received from fines, bond forfeitures, and  
3 court costs for traffic violations, including amended charges for  
4 any traffic violations. The forfeited amount shall be paid to  
5 the general revenue fund of the state of Missouri, to be  
6 designated as additional funds for the peace officers standards  
7 and training commission. This penalty shall continue until such  
8 time as the law enforcement agency's annual report shows that a  
9 significant disparity no longer exists or until such time as the  
10 attorney general's study determines discriminatory policing is no  
11 longer a significant cause of the disparity.

12 [7.] 9. Each law enforcement agency in this state may  
13 utilize federal funds from community-oriented policing services  
14 grants or any other federal sources to equip each vehicle used  
15 for traffic stops with a video camera and voice-activated  
16 microphone or to purchase body cameras.

17 [~~8. A peace officer who stops a driver of a motor vehicle~~  
18 ~~pursuant to a lawfully conducted sobriety check point or road~~  
19 ~~block shall be exempt from the reporting requirements of~~  
20 ~~subsection 2 of this section.]~~