

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute
2 for Senate Bill No. 523, Page 123, Section 590.207, Line 8, by inserting after all of said section and
3 line the following:
4

5 "590.500. 1. The provisions of this section shall be known and may be cited as the "Law
6 Enforcement Officers' Bill of Rights". For purposes of this section, "law enforcement officer"
7 means any sworn peace officer, other than an elected sheriff or deputy, who possesses the duty and
8 power of arrest for violations of the criminal laws of this state or for violations of ordinances of
9 counties or municipalities of this state. The provisions of this section shall not apply to an officer
10 serving in a probationary period or to the highest ranking officer of any law enforcement agency.
11 Any law enforcement agency that has substantially similar or greater procedures shall be deemed to
12 be in compliance with this section.

13 2. Any law enforcement officer~~[, other than an elected sheriff or deputy, who possesses the~~
14 ~~duty and power of arrest for violations of the criminal laws of this state or for violations of~~
15 ~~ordinances of counties or municipalities of this state,]~~ who is regularly employed for more than
16 thirty hours per week~~[,]~~ and who is employed by a law enforcement agency of this state or political
17 subdivision of this state which employs more than fifteen law enforcement officers~~[,]~~ shall be given
18 upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or
19 suspension that results in a reduction or withholding of salary or compensatory time. The meeting
20 shall be held before any individual or board as designated by the governing body. At any such
21 meeting, the employing law enforcement agency shall at a minimum provide a brief statement,
22 which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit
23 the law enforcement officer the opportunity to respond. The results from such meeting shall be
24 reduced to writing. ~~[Any law enforcement agency that has substantially similar or greater~~
25 ~~procedures shall be deemed to be in compliance with this section. This section shall not apply to an~~
26 ~~officer serving in a probationary period or to the highest ranking officer of any law enforcement~~
27 ~~agency.]~~

28 3. Whenever a law enforcement officer is under investigation or is subjected to questioning,
29 for any reason, that could lead to disciplinary action, demotion, dismissal, transfer, or placement on
30 a status that could lead to economic loss, the investigation or questioning shall be conducted under
31 the following conditions:

32 (1) The law enforcement officer who is the subject of the investigation shall be informed, in
33 writing, of the existence and nature of the alleged violation and the individual who will be
34 conducting the investigation;

35 (2) Anyone filing a complaint against a law enforcement officer shall have the complaint
36 supported by a sworn affidavit. Any complaint having been supported by a sworn affidavit and

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1 having been found to contain knowingly false material information, in total or in part, shall be
2 presented to the appropriate prosecuting attorney or circuit attorney for a determination of
3 prosecution;

4 (3) When a law enforcement officer is questioned or interviewed regarding matters
5 pertaining to his or her law enforcement duties or actions taken within the scope of his or her
6 employment, such questioning shall be conducted for a reasonable length of time and only while the
7 officer is on duty unless exigent circumstances exist that necessitate questioning the officer while he
8 or she is off duty;

9 (4) Any interviews or questioning shall be conducted at a secure location at the agency that
10 is conducting the investigation or at the place where the officer reports to work, unless the officer
11 consents to another location;

12 (5) Law enforcement officers shall be questioned by a single investigator and shall be
13 informed of the name, rank, and command of the officer conducting the investigation; except that,
14 separate investigators shall be assigned to investigate alleged department policy violations and
15 alleged criminal violations;

16 (6) Interview sessions shall be for reasonable periods of time. There shall be times provided
17 for the officer to allow for such personal necessities and rest periods as are reasonably necessary;

18 (7) Law enforcement officers shall not be threatened, harassed, or promised rewards to
19 induce them into answering any question; except that, law enforcement officers may be compelled
20 by their employer to give protected statements to an investigator under the direct control of the
21 employer, but such compelled statements shall not be used or derivatively used against the officer in
22 any aspect of a criminal case brought against the officer;

23 (8) Law enforcement officers under investigation are entitled to have an attorney or any
24 other individual of their choice present during any questioning that the law enforcement officer
25 reasonably believes may result in disciplinary action. The questioning shall be suspended for a
26 period of up to forty-eight hours if the officer requests representation;

27 (9) A complete record of the administrative investigation shall be kept by the law
28 enforcement agency conducting such investigation. Upon notification that substantial evidence
29 exists for seeking an administrative sanction of the law enforcement officer, a copy of the entire
30 record shall be provided to the officer or the officer's representative within forty-eight hours of the
31 officer's written request;

32 (10) The law enforcement agency conducting the investigation shall have ninety days from
33 receipt of a complaint to complete such investigation;

34 (11) At the conclusion of the administrative investigation, the investigator shall inform the
35 officer, in writing, of the investigative findings and any recommendation for further action; and

36 (12) All records compiled as a result of any investigation subject to the provisions of this
37 section shall be held confidential and not be released to the public at any time.

38 4. Law enforcement officers who are suspended without pay, demoted, terminated,
39 transferred, or placed on a status resulting in economic loss shall be entitled to a full due process
40 hearing. The components of the hearing shall include, at a minimum:

41 (1) The right to be represented by an attorney or other individual of their choice during the
42 hearing;

43 (2) Fourteen days' advance notification of the hearing date and time;

44 (3) An opportunity to access and review documents, at least ten days in advance of the
45 hearing, that are in the employer's possession and that were used as a basis for the disciplinary
46 action or gathered in the course of its investigation including, but not limited to, access to audio or
47 transcribed statements;

48 (4) An opportunity to present witnesses and evidence and a right to cross-examine any
49 adverse witness; and

1 (5) A complete record of the hearing shall be kept by the agency for purposes of appeal.
2 The record shall be provided to the officer or his or her attorney upon written request.
3 If a contractual disciplinary grievance procedure executed by and between the agency and the
4 bargaining unit of that officer is in effect, the terms of that disciplinary grievance procedure shall
5 take precedence and govern the conduct of the hearing.

6 5. In the event an officer is entitled to a hearing, a hearing shall be scheduled within a
7 reasonable period of time from the alleged incident, but in no event more than one hundred twenty
8 days following the notification of discipline, unless waived in writing by the charged officer.

9 6. Any decision, order, or action taken following the hearing shall be in writing and shall be
10 accompanied by findings of fact. The findings shall consist of a concise statement upon each issue
11 in the case. A copy of the decision or order accompanying findings and conclusions along with the
12 written action and right of appeal, if any, shall be delivered or mailed promptly to the law
13 enforcement officer or to the officer's attorney or representative of record.

14 7. Law enforcement officers shall have the opportunity to provide a written response to any
15 adverse materials placed in their personnel file, and such written response shall be permanently
16 attached to the adverse material.

17 8. Law enforcement officers shall not be subject to double jeopardy in the administration of
18 discipline through separate punishments for the same alleged act by multiple administrative bodies,
19 except that multiple administrative bodies may impose the same punishment concurrently for the
20 same act.

21 9. Law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or
22 placed on a status resulting in economic loss as a result of the assertion of their constitutional rights
23 in any judicial proceeding."; and

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.