

FIRST REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 876
101ST GENERAL ASSEMBLY

1902H.08P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 50.327, 57.317, 566.145, 575.095, 590.030, 590.070, and 590.500, RSMo, and to enact in lieu thereof thirteen new sections relating to law enforcement officers, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Sections 50.327, 57.317, 566.145, 575.095, 590.030, 590.070, and 590.500, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 50.327, 57.317, 566.145, 574.110, 575.095, 590.030, 590.070, 590.075, 590.500, 590.805, 590.1150, 590.1152, and 590.1265, to read as follows:

50.327. 1. Notwithstanding any other provisions of law to the contrary, the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, ~~57.317,~~ 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials' salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and

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.

13 473.742 may be increased by up to two thousand dollars greater than the compensation provided
 14 by the salary schedules; provided, however, that any vote to increase compensation be effective
 15 for all county offices in that county **subject to the salary commission.**

16 ~~[3. Upon majority approval of the salary commission, the annual compensation of a~~
 17 ~~county sheriff as provided in section 57.317 may be increased by up to six thousand dollars~~
 18 ~~greater than the compensation provided by the salary schedule of such section.~~

19 ~~4. The salary commission of any county of the third classification may amend the base~~
 20 ~~schedules for the computation of salaries for county officials referenced in subsection 1 of this~~
 21 ~~section to include assessed valuation factors in excess of three hundred million dollars, provided~~
 22 ~~that the percentage of any adjustments in assessed valuation factors shall be equal for all such~~
 23 ~~officials in that county.]~~

2 57.317. 1. **(1)** The county sheriff in any county~~[, other than in a]~~ **of the first or second**
 3 **classification [chartered county,] shall receive an annual salary equal to eighty percent of the**
 4 **compensation of an associate circuit judge of the county.**

5 **(2) The county sheriff in any county of the third or fourth classification shall**
 6 **receive an annual salary computed as [set forth in] the following [schedule] percentages of the**
 7 **compensation of an associate circuit judge of the county.** The assessed valuation factor shall
 8 be the amount thereof as shown for the year next preceding the computation. The provisions of
 9 this section shall not permit or require a reduction in the amount of compensation being paid for
 the office of sheriff ~~[on January 1, 1997]~~ **from the prior year.**

Assessed Valuation	[Salary] Percentage
\$18,000,000 to [40,999,999]	\$36,000
41,000,000 to 53,999,999	37,000
54,000,000 to 65,999,999	38,000
66,000,000 to 85,999,999	39,000
86,000,000 to] 99,999,999	[40,000] 45%
100,000,000 to [130,999,999]	42,000

25	131,000,000 to 159,999,999	
26		44,000
27	160,000,000 to 189,999,999	
28		45,000
29	190,000,000 to] 249,999,999	
30		[46,000] 50%
31	250,000,000 to [299,999,999	
32		48,000
33	300,000,000 to] 449,999,999	
34		[50,000] 55%
35	450,000,000 to [599,999,999	
36		52,000
37	600,000,000 to 749,999,999	
38		54,000
39	750,000,000 to] 899,999,999	
40		[56,000] 60%
41	900,000,000 [to 1,049,999,999	
42		58,000
43	1,050,000,000 to 1,199,999,999	
44		60,000
45	1,200,000,000 to 1,349,999,999	
46		62,000
47	1,350,000,000] and over	
48		[64,000] 65%

49 2. Two thousand dollars of the salary authorized in this section shall be payable to the
 50 sheriff only if the sheriff has completed at least twenty hours of classroom instruction each
 51 calendar year relating to the operations of the sheriff's office when approved by a professional
 52 association of the county sheriffs of Missouri unless exempted from the training by the
 53 professional association. The professional association approving the program shall provide a
 54 certificate of completion to each sheriff who completes the training program and shall send a list
 55 of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training
 56 session may be reimbursed to the county sheriff in the same manner as other expenses as may
 57 be appropriated for that purpose.

58 3. The county sheriff in any county~~[-]~~ other than a ~~[first classification]~~ charter county~~[-]~~
 59 shall not~~[-, except upon two-thirds vote of all the members of the salary commission,-]~~ receive an
 60 annual compensation less than the ~~[total]~~ compensation ~~[being received for the office of county~~

61 ~~sheriff in the particular county for services rendered or performed on the date the salary~~
 62 ~~commission votes] described under this section.~~

566.145. 1. A person commits the offense of sexual conduct **in the course of public duty if the person engages in sexual conduct:**

3 (1) With a **detainee, a prisoner, or an offender** ~~[if he or she]~~ **and the person:**

4 ~~[(1)]~~ (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility
 5 and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison,
 6 or correctional facility; ~~or~~

7 ~~——(2)]~~ (b) Is a probation and parole officer and engages in sexual conduct with an offender
 8 who is under the direct supervision of the officer; **or**

9 (c) **Is a law enforcement officer and engages in sexual conduct with a detainee or**
 10 **prisoner who is in the custody of such officer; or**

11 (2) **With someone who is not a detainee, a prisoner, or an offender and the person**
 12 **is:**

13 (a) **A probation and parole officer, a police officer, or an employee of, or assigned**
 14 **to work in, any jail, prison, or correctional facility;**

15 (b) **On duty; and**

16 (c) **The offense was committed by means of coercion as defined in section 566.200.**

17 2. For the purposes of this section the following terms shall mean:

18 (1) **"Detainee", a person deprived of liberty and kept under involuntary restraint,**
 19 **confinement, or custody;**

20 (2) **"Offender", includes any person in the custody of a prison or correctional facility and**
 21 **any person who is under the supervision of the state board of probation and parole;**

22 ~~[(2)]~~ (3) **"Prisoner", includes any person who is in the custody of a jail, whether pretrial**
 23 **or after disposition of a charge.**

24 3. The offense of sexual conduct ~~[with a prisoner or offender]~~ **in the course of public**
 25 **duty** is a class E felony.

26 4. Consent of a **detainee, a prisoner** ~~[or]~~ **, an offender, or any other person** is not a
 27 defense.

574.110. 1. A person commits the offense of using a laser pointer if such person
 2 **knowingly directs a light from a laser pointer at a uniformed safety officer, including a**
 3 **peace officer as defined under section 590.010, security guard, firefighter, emergency**
 4 **medical worker, or other uniformed municipal, state, or federal officer.**

5 2. As used in this section, "laser pointer" means a device that emits a visible light
 6 **amplified by the stimulated emission of radiation.**

7 3. The offense of using a laser pointer is a class A misdemeanor.

575.095. 1. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

(1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;

(2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;

(3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;

(4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227.

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee **or the attorney general or an assistant attorney general of this state.**

3. A judicial officer's family for purposes of this section shall be:

(1) Such officer's spouse; or

(2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption;

or

(3) Such officer's stepchild, while the marriage creating that relationship exists.

4. The offense of tampering with a judicial officer is a class D felony.

590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

15 (1) Obtain continuing law enforcement education pursuant to rules to be promulgated
16 by the POST commission; ~~and~~

17 (2) Maintain a current address of record on file with the director; and

18 (3) **Submit to being fingerprinted on or before January 1, 2022, and at any time a**
19 **peace officer is commissioned with a different law enforcement agency, for the purposes**
20 **of a criminal history background check and enrollment in the state and federal Rap Back**
21 **programs, pursuant to section 43.540. The criminal history background check shall**
22 **include the records of the Federal Bureau of Investigation. The resulting report shall be**
23 **forwarded to the officer's commissioning law enforcement agency at the time of enrollment**
24 **and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of**
25 **section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps**
26 **to maintain enrollment in Rap Back for as long as the officer is commissioned with a law**
27 **enforcement agency.**

28 6. A peace officer license shall automatically expire if the licensee fails to hold a
29 commission as a peace officer for a period of five consecutive years, provided that the POST
30 commission shall provide for the relicensure of such persons and may require retraining as a
31 condition of eligibility for relicensure, and provided that the director may provide for the
32 continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement
33 commission requiring a peace officer license but not meeting the definition of a peace officer
34 pursuant to this chapter.

35 7. **All law enforcement agencies shall enroll in the state and federal Rap Back**
36 **programs on or before January 1, 2022, and continue to remain enrolled. The law**
37 **enforcement agency shall take all necessary steps to maintain officer enrollment for all**
38 **officers commissioned with that agency in the Rap Back programs. An officer shall submit**
39 **to being fingerprinted at any law enforcement agency upon commissioning and for as long**
40 **as the officer is commissioned with that agency.**

590.070. 1. The chief executive officer of each law enforcement agency shall, within
2 thirty days after commissioning any peace officer, notify the director on a form to be adopted by
3 the director. The director may require the chief executive officer to conduct a current criminal
4 history background check and to forward the resulting report to the director.

5 2. The chief executive officer of each law enforcement agency shall, within thirty days
6 after any licensed peace officer departs from employment or otherwise ceases to be
7 commissioned, notify the director on a form to be adopted by the director. Such notice shall state
8 the circumstances surrounding the departure from employment or loss of commission and shall
9 specify any of the following that apply:

10 (1) The officer failed to meet the minimum qualifications for commission as a peace
11 officer;

12 (2) The officer violated municipal, state or federal law;

13 (3) The officer violated the regulations of the law enforcement agency; or

14 (4) The officer was under investigation for violating municipal, state or federal law, or
15 for gross violations of the law enforcement agency regulations.

16 3. Whenever the chief executive officer of a law enforcement agency has reasonable
17 grounds to believe that any peace officer commissioned by the agency is subject to discipline
18 pursuant to section 590.080, the chief executive officer shall report such knowledge to the
19 director.

20 **4. Notwithstanding any other provision of law to the contrary, the chief executive**
21 **officer of each law enforcement agency has absolute immunity from suit for compliance**
22 **with this section, unless the chief executive officer presented false information to the**
23 **director with the intention of causing reputational harm to the peace officer.**

590.075. The chief executive officer of each law enforcement agency shall, prior to
2 **commissioning any peace officer, request a certified copy from the director of all**
3 **notifications received pursuant to section 590.070 and the director shall provide all**
4 **notifications stored electronically to the chief executive officer who requested the**
5 **notifications within three business days after receipt of request. If the director receives any**
6 **additional notifications regarding the candidate for commissioning within sixty days of a**
7 **chief executive officer's request under this section, a copy of such notifications shall be**
8 **forwarded by the director to the requesting chief executive officer within three business**
9 **days following receipt.**

~~590.500. 1. [Any law enforcement officer, other than an elected sheriff or deputy, who~~
2 ~~possesses the duty and power of arrest for violations of the criminal laws of this state or for~~
3 ~~violations of ordinances of counties or municipalities of this state, who is regularly employed for~~
4 ~~more than thirty hours per week, and who is employed by a law enforcement agency of this state~~
5 ~~or political subdivision of this state which employs more than fifteen law enforcement officers,~~
6 ~~shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary~~
7 ~~demotion or suspension that results in a reduction or withholding of salary or compensatory time.~~
8 ~~The meeting shall be held before any individual or board as designated by the governing body.~~
9 ~~At any such meeting, the employing law enforcement agency shall at a minimum provide a brief~~
10 ~~statement, which may be oral, of the reason of the discharge, disciplinary demotion or~~
11 ~~suspension, and permit the law enforcement officer the opportunity to respond. The results from~~
12 ~~such meeting shall be reduced to writing.] **The provisions of this section shall be known and**~~
13 ~~may be cited as the "Law Enforcement Officers' Bill of Rights". Any law enforcement~~

14 agency that has substantially similar or greater procedures shall be deemed to be in compliance
15 with this section. [~~This section shall not apply to an officer serving in a probationary period or~~
16 ~~to the highest ranking officer of any law enforcement agency.~~]

17 **2. For purposes of this section, the following terms mean:**

18 **(1) "Board", any individual or body authorized by an agency or department to**
19 **hear and make final decisions regarding appeals of disciplinary actions issued by an**
20 **agency or department;**

21 **(2) "Color of law", any act by a law enforcement officer, whether on duty or off**
22 **duty, that is performed in furtherance of his or her sworn duty to enforce laws and to**
23 **protect and serve the public;**

24 **(3) "Economic loss", any economic loss including, but not limited to, loss of**
25 **overtime accrual, overtime income, sick time accrual, sick time, secondary employment**
26 **income, holiday pay, and vacation pay;**

27 **(4) "Good cause", sufficient evidence or facts that would support a party's request**
28 **for extensions of time or any other requests seeking accommodations outside the scope of**
29 **the rules set out in this section;**

30 **(5) "Law enforcement officer", any sworn peace officer with the power to arrest**
31 **for a violation of the criminal code who is employed by any unit of the state or any county,**
32 **charter county, city, charter city, municipality, district, college, university, or any other**
33 **political subdivision or is employed by the board of police commissioners as defined in**
34 **chapter 84. "Law enforcement officer" shall not include any officer who is the highest**
35 **ranking officer in the law enforcement agency;**

36 **(6) "Record", any transcription or audio or video recording of all interviews or**
37 **hearings and complete documentary file.**

38 **3. Whenever a law enforcement officer is under investigation or is subjected to**
39 **questioning that the officer reasonably believes could lead to disciplinary action, demotion,**
40 **dismissal, transfer, or placement on a status that could lead to economic loss, the**
41 **investigation or questioning shall be conducted under the following conditions:**

42 **(1) The law enforcement officer who is the subject of the investigation shall be**
43 **informed, in writing, of the existence and nature of the alleged violation and the individuals**
44 **who will be conducting the investigation. Notice shall be provided to the officer along with**
45 **a copy of the complaint at least twenty-four hours prior to any interrogation or interview**
46 **of the officer;**

47 **(2) Any person, including members of the same agency or department as the officer**
48 **under investigation, filing a complaint against a law enforcement officer shall have the**
49 **complaint supported by a written statement outlining the complaint that includes the**

50 personal identifying information of the person filing the complaint. All personal
51 identifying information shall be held confidential by the investigating agency;

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

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

60 (5) Law enforcement officers may be questioned by up to two investigators and
61 shall be informed of the name, rank, and command of the officer or officers conducting the
62 investigation; except that, separate investigators shall be assigned to investigate alleged
63 department policy violations and alleged criminal violations;

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

67 (7) Prior to an interview session, the investigator or investigators conducting the
68 investigation shall advise the law enforcement officer of the rule set out in *Garrity v. New*
69 *Jersey*, 385 U.S. 493 (1967), specifically that the law enforcement officer is being ordered
70 to answer questions under threat of disciplinary action and that the officer's answers to the
71 questions will not be used against the officer in criminal proceedings;

72 (8) Law enforcement officers shall not be threatened, harassed, or promised
73 rewards to induce them into answering any question; except that, law enforcement officers
74 may be compelled by their employer to give protected *Garrity* statements to an investigator
75 under the direct control of the employer, but such compelled statements shall not be used
76 or derivatively used against the officer in any aspect of a criminal case brought against the
77 officer;

78 (9) Law enforcement officers under investigation are entitled to have an attorney
79 or any duly authorized representative present during any questioning that the law
80 enforcement officer reasonably believes may result in disciplinary action. The questioning
81 shall be suspended for a period of up to twenty-four hours if the officer requests
82 representation;

83 (10) Prior to the law enforcement officer being interviewed, the officer and his or
84 her representative shall have the opportunity to review the complaint;

85 **(11) Law enforcement officers or their designated representative shall have the**
86 **right to bring their own recording device and may record all aspects of the interview;**

87 **(12) The law enforcement agency conducting the investigation shall have ninety**
88 **days from receipt of a citizen complaint or from the date the agency became aware of the**
89 **alleged conduct upon which the allegation rests to complete the investigation. The date**
90 **shall be stated on the document providing notice to the law enforcement officer. The**
91 **agency shall determine the disposition of the complaint and render a disciplinary decision,**
92 **if any, within ninety days. The agency may, for good cause, petition the board overseeing**
93 **the administration of discipline for an extension of time to complete the investigation.**
94 **Absent consent from the officer being investigated, the board overseeing the administration**
95 **of discipline shall set the petition for extension for hearing and provide notice of the**
96 **hearing to the law enforcement officer under investigation. The officer shall have the right**
97 **to attend the hearing and to present evidence and arguments against extension. If the**
98 **board finds the agency has shown good cause for the granting of an extension of time to**
99 **complete the investigation, the board shall grant an extension of up to sixty days. The**
100 **agency shall be limited to two extensions per investigation; except that, if there is an**
101 **ongoing criminal investigation, there shall be no limitation on the amount of sixty-day**
102 **extensions;**

103 **(13) Within five days of the conclusion of the administrative investigation, the**
104 **investigator shall inform the officer in writing of the investigative findings and any**
105 **recommendation for further action, including discipline;**

106 **(14) A complete record of the administrative investigation shall be kept by the law**
107 **enforcement agency conducting such investigation. Upon completion of the investigation,**
108 **a copy of the entire record including, but not limited to, audio, video, or transcribed**
109 **statements, shall be provided to the officer or the officer's representative within five**
110 **business days of the officer's written request. The agency may request a protective order**
111 **to redact all personal identifying witness information;**

112 **(15) Law enforcement officers shall have the right to compensation for any**
113 **economic loss incurred during an investigation if the alleged misconduct is not sustained**
114 **by the agency conducting the investigation; and**

115 **(16) All records compiled as a result of any investigation subject to the provisions**
116 **of this section shall be held confidential and shall not be subject to disclosure under**
117 **chapter 610 except by lawful subpoena or court order.**

118 **4. Law enforcement officers who are suspended without pay, demoted, terminated,**
119 **transferred, or placed on a status resulting in economic loss shall be entitled to a full due**

120 process hearing. The proceeding shall constitute a contested case under chapter 536. The
121 components of the hearing shall include, at a minimum:

122 (1) The right of the law enforcement officer to be represented by an attorney or
123 other individual of his or her choice during the hearing;

124 (2) The right of the law enforcement officer or his or her attorney to conduct
125 discovery prior to the hearing. Depositions may be taken in the same manner and under
126 the same conditions as provided for in the Missouri civil rules of civil procedure for civil
127 cases in the circuit court. Subpoenas may be issued by the board conducting the hearing
128 or by the circuit court or the office of the clerk for the county where the agency has its
129 principal place of business;

130 (3) Seven days' notice of the hearing date and time;

131 (4) An opportunity for the law enforcement officer or his or her attorney to access
132 and review the investigatory record at least seven days prior to the hearing;

133 (5) The right of the law enforcement officer or his or her attorney to present
134 witnesses and evidence in the officer's defense and a right to cross-examine any adverse
135 witnesses against the officer;

136 (6) The right of the law enforcement officer to refuse to testify at the hearing if the
137 officer is concurrently facing criminal charges in connection with the same incident. A law
138 enforcement officer's decision not to testify shall not result in additional internal charges
139 or discipline;

140 (7) A complete record of the hearing to be kept by the agency for purposes of
141 appeal. The record shall be provided to the law enforcement officer or his or her attorney
142 upon written request; and

143 (8) The entire record of the hearing to remain confidential and shall not be subject
144 to disclosure under chapter 610 except by lawful subpoena or court order.

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

151 6. Law enforcement officers shall have the opportunity to provide a written
152 response to any adverse materials placed in their personnel file, and such written response
153 shall be permanently attached to the adverse material.

154 **7. Law enforcement officers shall have the right to compensation for any economic**
155 **loss incurred as a result of disciplinary action by an agency if the alleged misconduct is not**
156 **sustained by the administrative body hearing the disciplinary appeal.**

157 **8. Law enforcement officers may petition the circuit court in the county in which**
158 **the law enforcement agency has its principal place of business to review the decision of the**
159 **administrative body hearing the appeal of discipline. Upon a finding that the discipline**
160 **was not justified, the circuit court may award the law enforcement officer back pay and**
161 **costs incurred in bringing the suit, including attorney's fees.**

162 **9. Employers shall defend and indemnify law enforcement officers from and**
163 **against civil claims made against them in their official and individual capacities if the**
164 **alleged conduct arose in the course and scope of their obligations and duties as law**
165 **enforcement officers. This includes any actions taken while off duty if such actions were**
166 **taken under color of law. In the event a law enforcement officer is convicted of or pleads**
167 **guilty to criminal charges arising out of the same conduct, the employer shall no longer be**
168 **obligated to defend and indemnify the officer in connection with related civil claims.**

169 **10. No law enforcement officer shall be disciplined, demoted, dismissed,**
170 **transferred, or placed on a status resulting in economic loss as a result of the officer's**
171 **assertion of his or her constitutional rights in any judicial proceeding unless the officer**
172 **admits to wrongdoing, in which case the provisions of this section shall not apply.**

173 **11. No state or local governmental unit including, but not limited to, a county,**
174 **charter county, city, charter city, municipality, district, college, university, or any other**
175 **political subdivision that employs a law enforcement officer shall enact, promulgate,**
176 **enforce, or follow any law, regulation, or policy that would abolish, conflict with, modify,**
177 **or in any way diminish any right or remedy provided to law enforcement officers under**
178 **this section.**

179 **12. The rights set out in this section are minimum standards to be applied**
180 **throughout the state. However, nothing in this section shall prohibit a law enforcement**
181 **agency and the authorized bargaining representative for a law enforcement officer**
182 **employed by that agency from reaching written agreements providing disciplinary**
183 **procedures more favorable than those provided in this section.**

184 **13. The remedies provided by this section against law enforcement agencies or**
185 **governmental bodies shall be in addition to those provided by any other provision of law.**
186 **Any aggrieved law enforcement officer or authorized representative may seek judicial**
187 **enforcement of the requirements of these sections. Suits to enforce these sections shall be**
188 **brought in the circuit court for the county in which the law enforcement agency or**
189 **governmental body has its principal place of business.**

190 **14. Upon a finding by a preponderance of the evidence that a law enforcement**
191 **agency, governmental body, or member of such an entity has violated any provision of this**
192 **section, a court shall void any action taken under this section. Suit for enforcement shall**
193 **be brought within one year from the time a violation is ascertainable.**

590.805. 1. A law enforcement officer shall not knowingly use a respiratory
2 **choke-hold unless the use is in defense of the officer or another from serious physical**
3 **injury or death.**

4 **2. A respiratory choke-hold includes the use of any body part or object to attempt**
5 **to control or disable by applying pressure to a person's neck with the purpose of**
6 **controlling or restricting such person's breathing.**

590.1150. 1. Prior to January 1, 2022, the attorney general shall create a database
2 **to coordinate the sharing of information between state, local, and federal law enforcement**
3 **agencies concerning instances of excessive use of force related to law enforcement matters,**
4 **accounting for applicable privacy and due process rights. All law enforcement agencies**
5 **shall provide to the attorney general any information required to be disclosed under**
6 **Section 590.118 relating to incidents that occurred prior to January 1, 2022.**

7 **2. The database described in subsection 1 of this section shall include a mechanism**
8 **to track terminations or decertifications of peace officers, criminal convictions of peace**
9 **officers for on-duty conduct, and civil judgments against peace officers. The database shall**
10 **account for instances in which a peace officer resigns or retires while under active**
11 **investigation but shall clearly state that the investigation was not completed and that the**
12 **police officer may not have been afforded due process. The attorney general shall take**
13 **appropriate steps to ensure that the information in the database consists only of instances**
14 **in which peace officers were afforded due process or disclose that due process may not**
15 **have been afforded.**

16 **3. The attorney general shall regularly and annually make available to the public**
17 **aggregated and anonymized data from the database described in subsection 1 of this**
18 **section, as consistent with applicable law.**

590.1152. Notwithstanding any other provision of law, if any peace officer is
2 **convicted of or pleads guilty or nolo contendere to a felony or is found civilly liable for acts**
3 **or omissions that could otherwise amount to felony criminal conduct, the POST**
4 **commission shall revoke the peace officer's certification under this chapter. The POST**
5 **commission shall not reinstate the peace officer's certification or grant new certification**
6 **to the peace officer unless the peace officer is exonerated for such offense by a court. The**
7 **POST commission shall record each decertified peace officer in the database created under**
8 **section 590.1150.**

2 **590.1265. 1. The provisions of this section shall be known and may be cited as the**
3 **"Police Use of Force Transparency Act of 2021".**

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

5 **(1) "Law enforcement agency", the same meaning as defined in section 590.1040;**

6 **(2) "Peace officer", the same meaning as defined in section 590.010;**

7 **(3) "Use-of-force incident", an incident in which:**

8 **(a) A fatality occurs that is connected to a use of force by a peace officer;**

9 **(b) Serious bodily injury occurs that is connected to a use of force by a peace**
10 **officer; or**

11 **(c) In the absence of death or serious bodily injury, a peace officer discharges a**
12 **firearm at, or in the direction of, a person.**

13 **3. Each law enforcement agency shall, at least annually, collect and report local**
14 **data on use-of-force incidents involving peace officers to the National Use of Force Data**
15 **Collection through the Law Enforcement Enterprise Portal administered by the Federal**
16 **Bureau of Investigation.**

17 **4. Each law enforcement agency shall additionally report the data submitted under**
18 **subsection 3 of this section to the department of public safety. Law enforcement agencies**
19 **shall not include personally identifying information of individual peace officers in their**
20 **reports.**

21 **5. The department of public safety shall, no later than June 30, 2022, develop**
22 **standards and procedures governing the collection and reporting of use-of-force data**
23 **under this section. The standards and procedures shall be consistent with the**
24 **requirements, definitions, and methods of the National Use of Force Data Collection**
25 **administered by the Federal Bureau of Investigation.**

26 **6. The department of public safety shall publish the data reported by law**
27 **enforcement agencies under subsection 4 of this section, including statewide aggregate data**
28 **and agency-specific data, in a publicly available report. Such data shall be deemed a**
29 **public record consistent with the provisions and exemptions contained in chapter 610.**

30 **7. The department of public safety shall undertake an analysis of any trends and**
31 **disparities in rates of use of force by all law enforcement agencies, with a report to be**
32 **released to the public no later than January 1, 2025. The report shall be updated**
33 **periodically thereafter, but not less than once every five years.**

Section B. The repeal and reenactment of sections 50.327 and 57.317 and the enactment
2 of section 590.1265 of section A of this act shall become effective on January 1, 2022.

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