

HOUSE BILL NO. 982

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALDRIDGE.

1978H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to the establishment of a use-of-force database.

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 known as section 590.1254, to read as follows:

590.1254. 1. Beginning January 1, 2022, the Missouri state highway patrol and each local law enforcement agency that employs peace officers shall report to the attorney general's office the following:

(1) All use of force by its peace officers that results in death or serious bodily injury, including:

(a) The date, time, and location of the use of force;

(b) The perceived race, ethnicity, sex, and approximate age of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data;

(c) The names of all peace officers who were at the scene, identified by whether the peace officer was involved in the use of force, except that the other peace officers at the scene not directly involved in the use of force shall be identified by the officer's identification number issued by the POST commission unless the peace officer is charged criminally or is a defendant to a civil suit arising from the use of force;

(d) The type of force used, the severity and nature of the injury, whether the peace officer suffered physical injury, and the severity and nature of the peace officer's injury;

(e) Whether the peace officer was on duty at the time of the use of force;

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 (f) Whether a peace officer unholstered a weapon during the incident;
- 19 (g) Whether a peace officer discharged a firearm during the incident;
- 20 (h) Whether the use of force resulted in a law enforcement agency investigation
21 and, if so, the result of the investigation; and
- 22 (i) Whether the use of force resulted in a citizen complaint and the resolution of
23 that complaint;
- 24 (2) All instances in which a peace officer resigned while under investigation for
25 violating department policy;
- 26 (3) All data relating to contacts conducted by its peace officers, including:
- 27 (a) The perceived race, ethnicity, sex, and approximate age of the person contacted,
28 provided that the identification of these characteristics is based on the observation and
29 perception of the peace officer making the contact and other available data;
- 30 (b) Whether the contact was a traffic stop;
- 31 (c) The time, date, and location of the contact;
- 32 (d) The duration of the contact;
- 33 (e) The reason for the contact;
- 34 (f) The suspected offense;
- 35 (g) The result of the contact, such as:
- 36 a. No action, warning, citation, property seizure, or arrest;
- 37 b. If a warning or citation was issued, the warning provided or violation cited;
- 38 c. If an arrest was made, the offense alleged;
- 39 d. If the contact was a traffic stop, the information collected, which is limited to the
40 driver;
- 41 (h) The actions taken by the peace officer during the contact including, but not
42 limited to, whether:
- 43 a. The peace officer asked for consent to search the person and, if so, whether
44 consent was provided;
- 45 b. The peace officer searched the person or any property and, if so, the basis for
46 the search and the type of contraband or evidence discovered, if any;
- 47 c. The peace officer seized any property and, if so, the type of property that was
48 seized and the basis for seizing the property;
- 49 d. A peace officer unholstered a weapon during the contact; and
- 50 e. A peace officer discharged a firearm during the contact;
- 51 (4) All instances of unannounced entry into a residence with or without a warrant,
52 including:
- 53 (a) The date, time, and location of the use of unannounced entry;

54 (b) The perceived race, ethnicity, sex, and approximate age of the subject of the
55 unannounced entry, provided that the identification of these characteristics is based on the
56 observation and perception of the peace officer making the entry and other available data;

57 (c) Whether a peace officer unholstered a weapon during the unannounced entry;
58 and

59 (d) Whether a peace officer discharged a firearm during the unannounced entry.

60 2. Notwithstanding any provision of law to the contrary, the data reported under
61 this section shall be made available to the public on the database established under
62 subsection 3 of this section. The Missouri state highway patrol and local law enforcement
63 agencies shall not report the name, address, Social Security number, or other unique
64 personal identifying information of the subject of the use of force; victim of the official
65 misconduct; or persons contacted, searched, or subjected to a property seizure.

66 3. The office of the attorney general shall maintain a statewide database with data
67 collected pursuant to this section, in a searchable format, and publish the database on its
68 website. The database shall be made available to the public no later than January 1, 2022.
69 The database shall include a law enforcement identification system to track peace officer
70 complaints from one agency to another. The database shall be accessible to the public and
71 shall not require special accounts or impose fees for access to the data.

72 4. The Missouri state highway patrol and any local law enforcement agency that
73 fails to meet its reporting requirements under this section shall be subject to the suspension
74 of its funding by its appropriating authority.

75 5. The director of the department of public safety may promulgate all necessary
76 rules and regulations for the administration of this section. Any rule or portion of a rule,
77 as that term is defined in section 536.010, that is created under the authority delegated in
78 this section shall become effective only if it complies with and is subject to all of the
79 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
80 are nonseverable, and if any of the powers vested with the general assembly pursuant to
81 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
82 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
83 proposed or adopted after August 28, 2021, shall be invalid and void.

✓