

SECOND REGULAR SESSION

SENATE BILL NO. 1053

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS GOODE, CLAY AND BLAND.

Read 1st time February 28, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4627S.011

AN ACT

To amend chapter 590, RSMo, relating to peace officers by adding thereto one new section relating to profiling for traffic stops.

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 590.650, to read as follows:

590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, American Indian, or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, that officer shall report the following information to the law enforcement agency that employs the officer:

- (1) The age, gender, and race or minority group of the individual stopped;**
- (2) The traffic violation or violations alleged to have been committed that led to the stop;**
- (3) Whether a search was conducted as a result of the stop;**
- (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;**
- (5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;**
- (6) Whether any warning or citation was issued as a result of the stop;**
- (7) If a warning or citation was issued, the violation charged or warning provided;**
- (8) Whether an arrest was made as a result of either the stop or the search;**
- (9) If an arrest was made, the crime charged; and**

(10) The location of the stop.

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

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

(3) The attorney general shall determine the format that each law enforcement agency shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

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

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

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups living within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; and

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

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