

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1265

92ND GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 15, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3826S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review board membership.

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

Section A. Section 590.653, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.653, to read as follows:

590.653. 1. Each city, county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses. **Each member, during the member's entire term, shall:**

- (1) Be at least eighteen years of age; and**
- (2) Be a registered voter residing within the city, county, or city not within a county; and**
- (3) As a result of a criminal history background check performed pursuant to section 43.543, RSMo, not have been convicted of or pled guilty or nolo contendere to or have been found guilty of a crime under the laws of the state of Missouri, of any other state, of the United States, or of any other country, whether or not a sentence is or was imposed.**

2. The board shall have the power to receive, investigate, make findings and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings

and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations.

Unofficial

Bill

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