

SECOND REGULAR SESSION

SENATE BILL NO. 651

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4543S.01I

AN ACT

To amend chapters 488 and 590, RSMo, by adding thereto three new sections relating to video recorders used by law enforcement agencies.

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

Section A. Chapters 488 and 590, RSMo, are amended by adding thereto
2 three new sections, to be known as sections 488.500, 590.1025, and 590.1027, to
3 read as follows:

**488.500. 1. If approved by a majority of the voters voting on the
2 proposal, the governing body of any county or municipality may, by
3 order or ordinance, provide for an additional surcharge in an amount
4 of up to one dollar per case for each criminal case, including violations
5 of any county or municipal ordinance.**

**6 2. The ballot of submission shall be in substantially the following
7 form:**

**8 For the purpose of purchasing and maintaining video cameras
9 worn by peace officers and storing information collected by such
10 cameras, shall (city, town, village, county) be authorized to
11 impose a court surcharge not to exceed one dollar on each criminal
12 case, including municipal and county ordinance violations?**

13 YES NO

**14 If a majority of voters voting thereon approve the proposal, the
15 governing body of the county or municipality may enact an order or
16 ordinance for the collection of the surcharge. If the proposal is not
17 approved by a majority of the voters voting thereon, the governing
18 body shall not enact such order or ordinance.**

19 3. No surcharge imposed under this section shall be collected

20 when the case has been dismissed by the court. The judge may waive
21 the assessment of the surcharge in those cases in which the defendant
22 is found by the judge to be indigent and unable to pay the costs.

23 4. Such surcharges collected by municipal clerks in
24 municipalities electing or required to have violations of municipal
25 ordinances tried before a municipal judge under section 479.020, or to
26 employ judicial personnel under section 479.060, shall be disbursed to
27 the city at least monthly, and such surcharges collected by circuit court
28 clerks shall be collected and disbursed as provided by sections 488.010
29 to 488.020. Such surcharges shall be payable to the county or
30 municipality in which such surcharges originated. The county or
31 municipality shall only use the surcharge for the initial purchase,
32 maintenance, and replacement of video cameras worn by peace officers
33 and costs relating to the maintenance and storage of data collected by
34 such video cameras.

590.1025. 1. A law enforcement agency may require its uniformed
2 peace officers to wear video cameras, which include audio and video,
3 affixed to the peace officer's uniform while on duty to record
4 interactions between peace officers and members of the public. The
5 provisions of this section shall not apply to detectives or other peace
6 officers while they are working in an undercover capacity, or to any
7 peace officer in any situation if the wearing of such a video camera
8 would endanger the safety of the officer or the public.

9 2. In order to facilitate uniformity throughout the state, the
10 department of public safety shall develop guidelines for the use of
11 officer-worn body cameras by state and local law enforcement
12 agencies. The guidelines shall include specifications as to which peace
13 officers should wear body cameras, when body cameras should be worn
14 and activated, restrictions on the use of body cameras, the process to
15 obtain consent of victims and witnesses before using body worn
16 cameras during an interview, the retention and release of data
17 recorded by body cameras that includes a requirement that recorded
18 data be retained by each agency for at least sixty days, and access to
19 the data recorded by body cameras.

20 3. State and local law enforcement agencies requiring their
21 peace officers to wear video cameras shall develop policies and
22 procedures for the use of officer-worn body cameras pursuant to the

23 guidelines adopted by the department of public safety under subsection
24 2 of this section.

25 4. State and local law enforcement agencies requiring their
26 peace officers to wear video cameras shall provide comprehensive
27 training for all peace officers regarding the use of officer-worn body
28 cameras. Such training shall include the following:

29 (1) Discussion of department policy regarding the use of officer-
30 worn body cameras and the distribution of a written copy of the official
31 department policy on officer-worn body cameras;

32 (2) Review of all relevant state laws governing consent, evidence,
33 privacy, and public disclosure of recordings;

34 (3) Procedure for camera use; and

35 (4) Scenario-based exercises intended to replicate situations an
36 officer could encounter when using an officer-worn body camera.

590.1027. 1. The department of public safety shall develop and
2 implement a grant program to assist state and local law enforcement
3 agencies in implementing the provisions of section 590.1025 including,
4 but not limited to, the initial purchase, maintenance, and replacement
5 of officer-worn body cameras and ongoing costs relating to the
6 maintenance and storage of data recorded by officer-worn body
7 cameras. The department shall develop guidelines for grant
8 applications and establish priorities for grant distribution.

9 2. There is hereby established in the state treasury a fund to be
10 known as the "Law Enforcement Officer-Worn Body Camera Fund",
11 which shall consist of all moneys that may be appropriated to it by the
12 general assembly and, in addition, may include any gifts, contributions,
13 grants, or bequests received from federal, state, private, or other
14 sources. The fund shall be administered by the department of public
15 safety. The state treasurer shall be custodian of the fund and may
16 approve disbursements from the fund in accordance with sections
17 30.170 and 30.180. The fund shall be a dedicated fund and, upon
18 appropriation, moneys in the fund shall be used solely to fund the
19 purchase of officer-worn body cameras.

20 3. Notwithstanding the provisions of section 33.080 to the
21 contrary, any moneys remaining in the fund at the end of the biennium
22 shall not revert to the credit of the general revenue fund. The state
23 treasurer shall invest moneys in the fund in the same manner as other

24 funds are invested. Any interest and moneys earned on such
25 investments shall be credited to the fund.

26 4. State and local law enforcement agencies may apply to the
27 department of public safety for funding to implement the law
28 enforcement agencies' use of officer-worn body cameras under this
29 section and section 590.1025 including, but not limited to, the initial
30 purchase, maintenance, and replacement of officer-worn cameras and
31 ongoing costs relating to the maintenance and storage of data recorded
32 by officer-worn body cameras.

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