

FIRST EXTRAORDINARY SESSION

SENATE BILL NO. 16

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

Read 1st time July 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5855S.01I

AN ACT

To repeal sections 105.240, 542.271, 542.276, 542.291, 542.296, 544.190, 544.200, 563.031, 563.041, 563.046, 563.051, 563.074, 566.145, 575.180, 590.010, 590.030, 590.040, 590.080, 590.180, and 590.195, RSMo, and to enact in lieu thereof twenty-eight new sections relating to law enforcement agency accountability, with penalty provisions.

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

Section A. Sections 105.240, 542.271, 542.276, 542.291, 542.296, 544.190, 544.200, 563.031, 563.041, 563.046, 563.051, 563.074, 566.145, 575.180, 590.010, 590.030, 590.040, 590.080, 590.180, and 590.195, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 105.240, 542.271, 542.276, 542.291, 542.296, 544.190, 544.200, 563.031, 563.041, 563.046, 563.074, 566.145, 574.055, 575.180, 590.010, 590.030, 590.040, 590.080, 590.180, 590.195, 590.230, 590.510, 590.520, 590.651, 590.652, 590.654, 590.655, and 590.656, to read as follows:

105.240. Every officer may break open doors and enclosures to execute a warrant or other process for the arrest of any person, or to levy an execution, or execute an order for the delivery of personal property, if, upon public demand and an announcement of his official character, they be not opened. **Any search warrant issued by a judge and executed upon a premises that does not require those executing the warrant to knock may only be used with reasonable suspicion that the alleged perpetrator of a violent felony offense will escape or cause bodily harm to others.**

542.271. 1. A warrant may be issued to search for and seize, or photograph, copy or record any of the following:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 (1) Property, article, material, or substance that constitutes evidence of
4 the commission of a criminal offense; or

5 (2) Property which has been stolen or acquired in any other manner
6 declared an offense by chapters 569 and 570; or

7 (3) Property owned by any person furnishing public communications
8 services to the general public subject to the regulations of the public service
9 commission if such person has failed to remove the property within a reasonable
10 time after receipt of a written notice from a peace officer stating that such
11 property is being used as an instrumentality in the commission of an offense; or

12 (4) Property for which possession is an offense under the law of this state;
13 or

14 (5) Property for which seizure is authorized or directed by any statute of
15 this state; or

16 (6) Property which has been used by the owner or used with his
17 acquiescence or consent as a raw material or as an instrument to manufacture or
18 produce any thing for which possession is an offense under the laws of this state.

19 2. A warrant may be issued to search for and rescue a kidnapped person.

20 3. A warrant may be issued to search for any person for whom a valid
21 felony arrest warrant is outstanding.

22 4. A warrant may be issued to search for and seize any deceased human
23 fetus or corpse, or part thereof.

24 5. **Any search warrant issued by a judge and executed upon a**
25 **premises that does not require those executing the warrant to knock**
26 **may only be used with reasonable suspicion that the alleged**
27 **perpetrator of a violent felony offense will escape or cause bodily harm**
28 **to others.**

29 6. The provisions of sections 542.261 to 542.296 and section 542.301 shall
30 prevail over any rules and regulations promulgated by any state governmental
31 agency, commission or board, to the contrary notwithstanding.

542.276. 1. Any peace officer or prosecuting attorney may make
2 application under section 542.271 for the issuance of a search warrant.

3 2. The application shall:

4 (1) Be in writing;

5 (2) State the time and date of the making of the application;

6 (3) Identify the property, article, material, substance or person which is
7 to be searched for and seized, in sufficient detail and particularity that the officer

8 executing the warrant can readily ascertain it;

9 (4) Identify the person, place, or thing which is to be searched, in
10 sufficient detail and particularity that the officer executing the warrant can
11 readily ascertain whom or what he or she is to search;

12 (5) State facts sufficient to show probable cause for the issuance of a
13 search warrant;

14 (6) Be verified by the oath or affirmation of the applicant;

15 (7) Be filed in the proper court;

16 (8) Be signed by the prosecuting attorney of the county where the search
17 is to take place, or his or her designated assistant.

18 3. The application may be supplemented by a written affidavit verified by
19 oath or affirmation. Such affidavit shall be considered in determining whether
20 there is probable cause for the issuance of a search warrant and in filling out any
21 deficiencies in the description of the person, place, or thing to be searched or of
22 the property, article, material, substance, or person to be seized. Oral testimony
23 shall not be considered. The application may be submitted by facsimile or other
24 electronic means.

25 4. The judge shall determine whether sufficient facts have been stated to
26 justify the issuance of a search warrant. If it appears from the application and
27 any supporting affidavit that there is probable cause to believe that property,
28 article, material, substance, or person subject to seizure is on the person or at the
29 place or in the thing described, a search warrant shall immediately be
30 issued. The warrant shall be issued in the form of an original and two copies.

31 **5. Any search warrant issued by a judge and executed upon a**
32 **premises that does not require those executing the warrant to knock**
33 **may only be used with reasonable suspicion that the alleged**
34 **perpetrator of a violent felony offense will escape or cause bodily harm**
35 **to others.**

36 **6.** The application and any supporting affidavit and a copy of the warrant
37 shall be retained in the records of the court from which the warrant was issued.

38 [6.] **7.** The search warrant shall:

39 (1) Be in writing and in the name of the state of Missouri;

40 (2) Be directed to any peace officer in the state;

41 (3) State the time and date the warrant is issued;

42 (4) Identify the property, article, material, substance or person which is
43 to be searched for and seized, in sufficient detail and particularity that the officer

44 executing the warrant can readily ascertain it;

45 (5) Identify the person, place, or thing which is to be searched, in
46 sufficient detail and particularity that the officer executing the warrant can
47 readily ascertain whom or what he or she is to search;

48 (6) Command that the described person, place, or thing be searched and
49 that any of the described property, article, material, substance, or person found
50 thereon or therein be seized or photographed or copied and within ten days after
51 filing of the application, any photographs or copies of the items may be filed with
52 the issuing court;

53 (7) Be signed by the judge, with his or her title of office indicated.

54 [7.] 8. A search warrant issued under this section may be executed only
55 by a peace officer. The warrant shall be executed by conducting the search and
56 seizure commanded. The search warrant issued under this section may be issued
57 by facsimile or other electronic means.

58 [8.] 9. A search warrant shall be executed as soon as practicable and
59 shall expire if it is not executed and the return made within ten days after the
60 date of the making of the application. A search and any subsequent searches of
61 the contents of any property, article, material, or substance seized and removed
62 from the location of the execution of any search warrant during its execution may
63 be conducted at any time during or after the execution of the warrant, subject to
64 the continued existence of probable cause to search the property, article, material,
65 or substance seized and removed. A search and any subsequent searches of the
66 property, article, material, or substance seized and removed may be conducted
67 after the time for delivering the warrant, return, and receipt to the issuing judge
68 has expired. A supplemental return and receipt shall be delivered to the issuing
69 judge upon final completion of any search which concludes after the expiration
70 of time for delivering the original return and receipt.

71 [9.] 10. After execution of the search warrant, the warrant with a return
72 thereon, signed by the officer making the search, shall be delivered to the judge
73 who issued the warrant. The return shall show the date and manner of
74 execution, what was seized, and the name of the possessor and of the owner,
75 when he or she is not the same person, if known. The return shall be
76 accompanied by a copy of the itemized receipt required by subsection 6 of section
77 542.291. The judge or clerk shall, upon request, deliver a copy of such receipt to
78 the person from whose possession the property was taken and to the applicant for
79 the warrant.

80 [10.] 11. A search warrant shall be deemed invalid:

81 (1) If it was not issued by a judge; or

82 (2) If it was issued without a written application having been filed and
83 verified; or

84 (3) If it was issued without probable cause; or

85 (4) If it was not issued in the proper county; or

86 (5) If it does not describe the person, place, or thing to be searched or the
87 property, article, material, substance, or person to be seized with sufficient
88 certainty; or

89 (6) If it is not signed by the judge who issued it; or

90 (7) If it was not executed within the time prescribed by subsection 8 of
91 this section.

92 [11.] 12. The application or execution of a search warrant shall not be
93 deemed invalid for the sole reason that the application or execution of the
94 warrant relies upon electronic signatures of the peace officer or prosecutor
95 seeking the warrant or judge issuing the warrant.

542.291. 1. The search shall be conducted in a reasonable manner. The
2 search may be made at night if making it during the daytime is not
3 practicable. **Notwithstanding any other provision of law to the contrary,**
4 **a search is not conducted in a reasonable manner if the search is**
5 **conducted without the officer knocking and providing notice of his or**
6 **her authority and purpose unless the officer has a reasonable suspicion**
7 **that the alleged perpetrator of a violent felony offense will escape or**
8 **cause bodily harm to others.**

9 2. An officer making a search pursuant to an invalid warrant, the
10 invalidity of which is not apparent on its face, may use such force as he would be
11 justified in using if the warrant were valid. **A warrant is invalid on its face**
12 **if it authorizes or impliedly authorizes peace officers to execute said**
13 **warrant without knocking and providing notice of their authority and**
14 **purpose. A peace officer may still execute a search warrant that**
15 **authorizes or impliedly authorizes him or her to execute a search**
16 **without knocking and providing notice of his or her authority and**
17 **purpose, but, pursuant to subsection 1 of this section, such officer shall**
18 **knock and provide notice of his or her authority and purpose unless**
19 **the officer has a reasonable suspicion that the alleged perpetrator of**
20 **a violent felony offense will escape or cause bodily harm to others.**

21 3. The officer may summon as many persons as he deems necessary to
22 assist him in executing the warrant. Such persons shall not be held liable as a
23 result of the illegality of the search and seizure.

24 4. If any property is seized, the officer shall give to the person from whose
25 possession it is taken, if he is present, a copy of the warrant and an itemized
26 receipt of the property taken. If no person is present, the officer shall leave the
27 copy and the receipt at the site of the search.

28 5. A copy of the itemized receipt of any property taken shall be delivered
29 to the office of the prosecuting attorney in the county where the property was
30 taken within two working days of the search.

542.296. 1. A person aggrieved by an unlawful seizure made by an officer
2 and against whom there is a pending criminal proceeding growing out of the
3 subject matter of the seizure may file a motion to suppress the use in evidence of
4 the property or matter seized. For the purposes of this section, a pending
5 criminal proceeding shall mean any criminal investigation being conducted with
6 the intention of using the seized subject matter in seeking an indictment or
7 information or when an information has been issued or an indictment returned.

8 2. The motion to suppress shall be in writing. It shall be filed with the
9 court in which there is pending against the moving party a criminal proceeding
10 growing out of the subject matter of the seizure.

11 3. The motion shall be made before the commencement of the trial of the
12 moving party on the charge arising out of the seizure unless he was unaware of
13 the grounds or had no opportunity to do so before the trial. In that event the
14 motion may be made during the trial. However, the trial judge may in his
15 discretion entertain a motion any time during trial.

16 4. Notice shall be given to the prosecuting attorney of the date, time, place
17 and nature of the hearing.

18 5. The motion to suppress may be based upon any one or more of the
19 following grounds:

20 (1) That the search and seizure were made without warrant and without
21 lawful authority;

22 (2) That the warrant was improper upon its face or was illegally issued,
23 including the issuance of a warrant without proper showing of probable cause;

24 (3) That the property seized was not that described in the warrant and
25 that the officer was not otherwise lawfully privileged to seize the same;

26 (4) That the warrant was illegally executed by the officer, **including that**

27 **it was executed without the officer knocking and providing notice of**
28 **his or her authority and purpose;**

29 (5) That in any other manner the search and seizure violated the rights
30 of the movant under Section 15 of Article I of the Constitution of Missouri, or the
31 fourth and fourteenth amendments of the Constitution of the United States.

32 6. The judge shall receive evidence on any issue of fact necessary to the
33 decision of the motion. The burden of going forward with the evidence and the
34 risk of nonpersuasion shall be upon the state to show by a preponderance of the
35 evidence that the motion to suppress should be overruled.

36 7. If the motion is sustained, the judge shall order the property or matter
37 delivered to the moving party, unless its retention is authorized or required by
38 section 542.301, or by any other law of this state.

544.190. [If, after notice of the intention to arrest the defendant, he either
2 flee or forcibly resist, the]

3 1. **An officer [may use all necessary means] shall not use deadly force**
4 **to effect [the] an arrest unless:**

5 (1) **A person is displaying aggravated aggressive resistance,**
6 **thereby leading the officer to an objectively reasonable belief that the**
7 **person poses an imminent threat of death or serious physical injury to**
8 **the officer or others, or to prevent escape of a person whom the officer**
9 **has reasonable grounds to believe committed or attempted to commit**
10 **a violent felony where the officer has probable cause to believe that the**
11 **suspect poses a threat of immediate, serious physical injury either to**
12 **the officer or others; and**

13 (2) **The officer first used less intrusive or physically harmful**
14 **methods to control the person and such methods were ineffective or the**
15 **officer reasonably determines such methods would be ineffective.**

16 2. (1) **Officers shall receive training on opportunities to employ**
17 **tactical retreat, withdrawal, and other de-escalation techniques to**
18 **increase incident resolution options and enhance officer safety; and**

19 (2) **Law enforcement agencies shall publicly share use of force**
20 **policies and report all instances of deadly force to the attorney general**
21 **for annual publication.**

22 3. (1) **Prior to using force to effect an arrest, officers shall:**

23 (a) **Identify themselves as officers before using force whenever**
24 **safely possible;**

25 (b) Permit individuals the opportunity to submit to arrest before
26 force is used whenever possible; and

27 (c) Communicate, when possible and appropriate, to the
28 individual and other officers that the use of the weapon is imminent in
29 order to allow the individual an opportunity to comply; and

30 (2) In determining whether the use of force is necessary and
31 reasonable to effect an arrest, an officer shall consider whether a
32 person may be noncompliant due to a medical or mental health
33 condition, mental health crisis, physical or hearing impairment,
34 language barrier, or drug interaction. When noncompliance appears to
35 be due to such a condition, an officer shall be trained and required to
36 employ deescalation tactics and techniques.

37 4. Use of force to effect an arrest shall be prohibited when:

38 (1) A person is restrained, such as when handcuffed or contained
39 in a police vehicle;

40 (2) A person only verbally confronts an officer;

41 (3) Used as a retaliatory force against a person by an officer
42 when use of such force is not reasonably necessary to effect the arrest;

43 (4) Used to punish a person for fleeing or otherwise resisting
44 arrest;

45 (5) Used in response to an expression of criticism or disrespect
46 for an officer or any other person;

47 (6) Used against a person who may be observing or recording
48 officer behavior;

49 (7) Used to effect compliance with a command that is unlawful
50 unless:

51 (a) Necessary to prevent imminent or ongoing injury to any
52 person; or

53 (b) A person is refusing to get out of a law enforcement vehicle
54 and reasonable attempts to gain voluntary compliance have failed, and
55 a supervisor has approved the use of force to remove such person.

56 5. Immediately following any arrest which required use of force,
57 an officer shall:

58 (1) Inspect the person for injury or complaints of pain resulting
59 from the use of force;

60 (2) Render medical assistance, including emergency care, for any
61 person who exhibits signs of physical distress, has sustained a visible

62 injury, expresses a complaint of injury or continuing pain, or was
63 rendered unconscious, including providing first aid until professional
64 medical care providers arrive on the scene;

65 (3) Handcuff a person only when, based on the totality of the
66 circumstances, the officer reasonably believes such person remains an
67 imminent physical threat; and

68 (4) Ensure the person arrested is not restrained in a manner that
69 compromises the ability for such person to breathe.

70 6. (1) If a person is killed or seriously injured by an officer
71 during an arrest, the law enforcement agency shall provide the family
72 of such person with all information the agency can reasonable share
73 regarding the incident and information relating to available counseling
74 services.

75 (2) The law enforcement agency may keep the family from the
76 seriously injured or killed person as necessary to protect the integrity
77 of the scene provided that the law enforcement agency give the family
78 the rationale for such exclusion.

79 (3) Family members shall not be restrained unless necessary to
80 protect the integrity of the scene.

544.200. To make an arrest in criminal actions, the officer may break open
2 any outer or inner door or window of a dwelling house or other building, or any
3 other enclosure, if, after notice of his office and purpose, he be refused
4 admittance. **Any search warrant issued by a judge and executed upon a**
5 **premises that does not require those executing the warrant to knock**
6 **may only be used with reasonable suspicion that the suspect of a**
7 **violent felony offense will escape or cause bodily harm to others.**

563.031. 1. A person may, subject to the provisions of subsection 2 of this
2 section, use physical force upon another person when and to the extent he or she
3 reasonably believes such force to be necessary to defend himself or herself or a
4 third person from what he or she reasonably believes to be the use or imminent
5 use of unlawful force by such other person, unless:

6 (1) The actor was the initial aggressor; except that in such case his or her
7 use of force is nevertheless justifiable provided:

8 (a) He or she has withdrawn from the encounter and effectively
9 communicated such withdrawal to such other person but the latter persists in
10 continuing the incident by the use or threatened use of unlawful force; or

11 (b) He or she is a law enforcement officer and as such is an aggressor
12 pursuant to section 563.046; or

13 (c) The aggressor is justified under some other provision of this chapter
14 or other provision of law;

15 (2) Under the circumstances as the actor reasonably believes them to be,
16 the person whom he or she seeks to protect would not be justified in using such
17 protective force;

18 (3) The actor was attempting to commit, committing, or escaping after the
19 commission of a forcible felony.

20 2. A person shall not use deadly force upon another person under the
21 circumstances specified in subsection 1 of this section unless:

22 (1) He or she reasonably believes that such deadly force is necessary to
23 protect himself, or herself or her unborn child, or another against death, serious
24 physical injury, or any forcible felony;

25 (2) Such force is used against a person who unlawfully enters, remains
26 after unlawfully entering, or attempts to unlawfully enter a dwelling, residence,
27 or vehicle lawfully occupied by such person; or

28 (3) Such force is used against a person who unlawfully enters, remains
29 after unlawfully entering, or attempts to unlawfully enter private property that
30 is owned or leased by an individual, or is occupied by an individual who has been
31 given specific authority by the property owner to occupy the property, claiming
32 a justification of using protective force under this section.

33 3. A person does not have a duty to retreat:

34 (1) From a dwelling, residence, or vehicle where the person is not
35 unlawfully entering or unlawfully remaining;

36 (2) From private property that is owned or leased by such individual; or

37 (3) If the person is in any other location such person has the right to be.

38 4. The justification afforded by this section extends to the use of physical
39 restraint as protective force provided that the actor takes all reasonable measures
40 to terminate the restraint as soon as it is reasonable to do so.

41 **5. If an individual is justified in using physical force under this**
42 **section, that individual also shall be justified in detaining the aggressor**
43 **until the arrival of a law enforcement officer. However, if the**
44 **aggressor flees, whether before or after being detained, the individual**
45 **shall not be justified in pursuing the aggressor and shall be denied the**
46 **defense available in section 563.074 with respect to any force used**

47 **against the aggressor during or after pursuit of such aggressor.**

48 **6.** The defendant shall have the burden of injecting the issue of
49 justification under this section. If a defendant asserts that his or her use of force
50 is described under subdivision (2) of subsection 2 of this section, the burden shall
51 then be on the state to prove beyond a reasonable doubt that the defendant did
52 not reasonably believe that the use of such force was necessary to defend against
53 what he or she reasonably believed was the use or imminent use of unlawful
54 force.

563.041. 1. A person may, subject to the limitations of subsection 2, use
2 physical force upon another person when and to the extent that he or she
3 reasonably believes it necessary to prevent what he or she reasonably believes to
4 be the commission or attempted commission by such person of stealing, property
5 damage or tampering in any degree.

6 2. A person may use deadly force under circumstances described in
7 subsection 1 only when such use of deadly force is authorized under other sections
8 of this chapter.

9 3. The justification afforded by this section extends to the use of physical
10 restraint as protective force provided that the actor takes all reasonable measures
11 to terminate the restraint as soon as it is reasonable to do so.

12 4. An armed nuclear security guard may use the following levels of
13 physical force against another person at a nuclear power plant or within a
14 structure or fenced yard of a nuclear power plant if the armed nuclear security
15 guard reasonably believes that such force is necessary:

16 (1) An armed nuclear security guard may use physical force, as he or she
17 reasonably believes is immediately necessary, up to and including deadly physical
18 force to:

19 (a) Prevent an action that would constitute murder in the first or second
20 degree under section 565.020 or 565.021;

21 (b) Prevent an action that would constitute voluntary manslaughter under
22 section 565.023;

23 (c) Prevent an action that would constitute assault in the first or second
24 degree under section 565.050 or 565.052; or

25 (d) Defend himself, herself, or a third person from the use or imminent
26 use of deadly physical force;

27 (2) An armed nuclear security guard may use physical force, as he or she
28 reasonably believes is immediately necessary, up to but not including deadly

29 physical force to prevent an action that would constitute:

30 (a) Assault in the third or fourth degree under section 565.054 or 565.056;

31 (b) Kidnapping in the first, second, or third degree under section 565.110,
32 565.120, or 565.130;

33 (c) Burglary in the first or second degree under section 569.160 or
34 569.170;

35 (d) Arson in the first, second, or third degree under section 569.040,
36 569.050, or 569.053;

37 (e) Property damage in the first degree under section 569.100;

38 (f) Robbery in the first or second degree under section 570.023 or 570.025;

39 (g) Armed criminal action under section 571.015; or

40 (h) Trespass in the first degree under section 569.140;

41 (3) An armed nuclear security guard is justified in threatening to use
42 physical force or deadly physical force if and to the extent a reasonable armed
43 nuclear security guard believes it necessary to protect himself, herself, or others
44 against another person's potential use of physical force or deadly physical force.

45 5. Notwithstanding any provisions of section 563.016 to the contrary, an
46 armed nuclear security guard, employer of an armed nuclear security guard, or
47 owner of a nuclear power plant shall not be subject to civil liability for conduct
48 of an armed nuclear security guard that is permitted by this section.

49 **6. If an individual is justified in using physical force under this**
50 **section, that individual also shall be justified in detaining the aggressor**
51 **until the arrival of a law enforcement officer. However, if the**
52 **aggressor flees, whether before or after being detained, the individual**
53 **shall not be justified in pursuing the aggressor and shall be denied the**
54 **defense available in section 563.074 with respect to any force used**
55 **against the aggressor during or after pursuit of such aggressor.**

56 **7.** The defendant shall have the burden of injecting the issue of
57 justification under this section.

563.046. 1. A law enforcement officer need not retreat or desist from
2 efforts to effect the arrest, or from efforts to prevent the escape from custody, of
3 a person he or she reasonably believes to have committed an offense because of
4 resistance or threatened resistance of the arrestee. In addition to the use of
5 physical force authorized under other sections of this chapter, a law enforcement
6 officer is, subject to **section 544.190 and** the provisions of subsections 2 [and],
7 **3, 4, and 5 of this section,** justified in the use of such physical force as he or

8 she reasonably believes is immediately necessary to effect the arrest or to prevent
9 the escape from custody.

10 2. The use of any physical force in making an arrest is not justified under
11 this section unless the arrest is lawful or the law enforcement officer reasonably
12 believes the arrest is lawful, and the amount of physical force used was
13 objectively reasonable in light of the totality of the particular facts and
14 circumstances confronting the officer on the scene, without regard to the officer's
15 underlying intent or motivation.

16 3. **The use of a carotid restraint or choke-hold in making an**
17 **arrest is not justified under this section.**

18 4. In effecting an arrest or in preventing an escape from custody, a law
19 enforcement officer is justified in using deadly force only **when the law**
20 **enforcement officer reasonably believes, based on the totality of the**
21 **circumstances, that such force is necessary:**

22 (1) [When deadly force is authorized under other sections of this chapter]
23 **To protect the law enforcement officer or another from imminent death**
24 **or great bodily harm; or**

25 (2) [When the officer reasonably believes that such use of deadly force is
26 immediately necessary to effect the arrest or prevent an escape from custody and
27 also reasonably believes that the person to be arrested:

28 (a) Has committed or attempted to commit a felony offense involving the
29 infliction or threatened infliction of serious physical injury; or

30 (b) Is attempting to escape by use of a deadly weapon or dangerous
31 instrument; or

32 (c) May otherwise endanger life or inflict serious physical injury to the
33 officer or others unless arrested without delay] **To effect the arrest or capture**
34 **of a person whom the law enforcement officer knows or has reasonable**
35 **grounds to believe has committed or attempted to commit a felony**
36 **offense involving the infliction or threatened infliction of serious**
37 **physical injury and the officer reasonably believes that the person will**
38 **cause death or great bodily harm to another person unless immediately**
39 **apprehended.**

40 5. A law enforcement officer shall not use deadly force against
41 a person based on the danger the person poses to the law enforcement
42 officer if an objectively reasonable law enforcement officer would
43 believe the person does not pose an imminent threat of death or great

44 **bodily harm to the law enforcement officer or to another person.**

45 [4.] **6.** The defendant shall have the burden of injecting the issue of
46 justification under this section.

47 **7. A law enforcement officer shall have the duty at any scene**
48 **where physical force is being applied to either stop, or attempt to stop,**
49 **another officer when force is inappropriately applied or is no longer**
50 **required.**

51 **8. (1) A law enforcement officer who purposefully allows a fellow**
52 **officer to use inappropriate or excessive force, including the use of a**
53 **choke-hold, may be prosecuted for failure to intervene.**

54 **(2) Such failure to intervene shall be a class E felony if it is**
55 **proven the defendant officer was aware of the other officer's violation**
56 **and chose not to intervene.**

563.074. 1. Notwithstanding the provisions of section 563.016, a person
2 who uses force as described in sections 563.031, 563.041, 563.046, 563.051,
3 563.056, and 563.061 is justified in using such force and such fact shall be an
4 absolute defense to criminal prosecution or civil liability.

5 2. The court shall award attorney's fees, court costs, and all reasonable
6 expenses incurred by the defendant in defense of any civil action brought by a
7 plaintiff if the court finds that the defendant has an absolute defense as provided
8 in [subsection 1 of this section] **sections 563.031, 563.041, 563.051, 563.056,**
9 **and 563.061.**

566.145. 1. A person commits the offense of sexual conduct **in the**
2 **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**
4 **person:**

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

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

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

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

14 **(a) A probation and parole officer, a police officer, or an**

15 employee of, or assigned to work in, any jail, prison, or correctional
16 facility; and

17 (b) On duty.

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

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

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

24 [(2)] (3) "Prisoner", includes any person who is in the custody of a jail,
25 whether pretrial or after disposition of a charge.

26 3. The offense of sexual conduct [with a prisoner or offender] in the
27 course of public duty is a class E felony.

28 4. Consent of a detainee, a prisoner [or], an offender, or any other
29 person is not a defense.

574.055. 1. A law enforcement agency, when using chemical
2 agents, shall:

3 (1) Only use a chemical agent after a person has caused or
4 attempted to cause serious physical injury to another person, and shall
5 only use the chemical agent on that person;

6 (2) Provide a warning before deploying chemical agents by
7 issuing at least one clearly audible and understandable warning with
8 an amplification system or device prior to the use of such chemical
9 agent and the warning shall state:

10 (a) Where chemical agents will be deployed;

11 (b) How much time individuals have to leave the area or stop the
12 unlawful, violent behavior;

13 (c) What exit route a person may follow to leave the area; and

14 (d) Consequences of failing to comply; and

15 (3) Require law enforcement officers to wear badges affixed to
16 a uniform or helmet in a manner that is visible to the public even if
17 officers are wearing riot gear.

18 2. A law enforcement agency, when using chemical agents, shall
19 not:

20 (1) Use chemical agents against individuals or groups who fail
21 to disperse and have not caused or attempted to cause serious physical
22 injury to another person;

- 23 (2) Use such agents on a person who is restrained;
- 24 (3) Block any route of egress prior to the deployment of a
25 chemical agent;
- 26 (4) Prevent or retaliate against any person who lawfully
27 exercises his or her right to witness, observe, record, livestream, or
28 protest police activity; and
- 29 (5) Establish an emergency area or zone, by using a police line
30 to encircle or substantially encircle, a demonstration, rally, parade,
31 march, picket line, or other similar assembly conducted for the purpose
32 of people expressing political, social, or religious views unless there is
33 probable cause to believe that a significant number or percentage of
34 people located in an area or zone have committed unlawful acts and
35 law enforcement officers may lawfully arrest such people.

575.180. 1. A law enforcement officer commits the offense of failure to
2 execute an arrest warrant if, with the purpose of allowing any person charged
3 with or convicted of a crime to escape, he or she fails to execute any arrest
4 warrant, capias, or other lawful process ordering apprehension or confinement of
5 such person, which he or she is authorized and required by law to execute. **For
6 purposes of this section, "escape" means to flee from; to avoid; to get
7 away, as to flee to avoid arrest.**

8 2. The offense of failure to execute an arrest warrant is a class A
9 misdemeanor, unless the offense involved is a felony, in which case failure to
10 execute an arrest warrant is a class E felony.

11 3. It shall be an affirmative defense to prosecution under this
12 section that the law enforcement officer acted under exigent
13 circumstances in failing to execute an arrest warrant on a person who
14 has committed a misdemeanor offense under chapter 301, 302, 304, or
15 307 or a misdemeanor traffic offense in another state; except that, the
16 provisions of this subsection shall not apply to the following offenses:

- 17 (1) Failure to drive in a careful and prudent manner under
18 section 304.012;
- 19 (2) Driving with a cancelled, suspended, or revoked license
20 under section 302.321;
- 21 (3) Operating a motor vehicle without a proper license under
22 section 302.020; or
- 23 (4) Any offense committed in another state that is comparable
24 to the offenses listed under subdivisions (1), (2), and (3) of this

25 subsection.

590.010. As used in this chapter, the following terms mean:

2 (1) **"Carotid restraint", the use of any body part or object to**
3 **attempt to control or disable by applying pressure to the person's neck,**
4 **including the trachea or carotid artery, with the purpose, intent, or**
5 **effect of controlling or restricting the person's movement or restricting**
6 **their blood flow or breathing;**

7 (2) **"Commission", when not obviously referring to the POST commission,**
8 **means a grant of authority to act as a peace officer;**

9 [(2)] (3) **"Director", the director of the Missouri department of public**
10 **safety or his or her designated agent or representative;**

11 [(3)] (4) **"Peace officer", a law enforcement officer of the state or any**
12 **political subdivision of the state with the power of arrest for a violation of the**
13 **criminal code or declared or deemed to be a peace officer by state statute;**

14 [(4)] (5) **"POST commission", the peace officer standards and training**
15 **commission;**

16 [(5)] (6) **"Reserve peace officer", a peace officer who regularly works less**
17 **than thirty hours per week;**

18 [(6)] (7) **"School protection officer", an elementary or secondary school**
19 **teacher or administrator who has been designated as a school protection officer**
20 **by a school district;**

21 (8) **"Security guard", any person who is paid to protect the person**
22 **or property of another, but shall not include law enforcement officers**
23 **or any other public official or employee.**

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

4 2. **The director shall review the basic training materials, licenses**
5 **of law enforcement basic training centers, and basic training**
6 **instructors of the POST commission. Such training materials shall**
7 **require de-escalation training for peace officers and training on**
8 **community policing practices. The director shall establish standards**
9 **regarding de-escalation training and training on community policing**
10 **practices. The director shall conduct an initial review by December 31,**
11 **2021. The director shall establish a review schedule on a three year**
12 **rotational basis.**

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

19 **[3.] 4.** The director shall provide for the licensure, with or without
20 additional basic training, of peace officers possessing credentials by other states
21 or jurisdictions, including federal and military law enforcement officers.

22 **[4.] 5.** The director shall establish a procedure for obtaining a peace
23 officer license and shall issue the proper license when the requirements of this
24 chapter have been met.

25 **[5.] 6.** As conditions of licensure, all licensed peace officers shall:

26 (1) Obtain continuing law enforcement education pursuant to rules to be
27 promulgated by the POST commission; and

28 (2) Maintain a current address of record on file with the director.

29 **[6.] 7.** A peace officer license shall automatically expire if the licensee
30 fails to hold a commission as a peace officer for a period of five consecutive years,
31 provided that the POST commission shall provide for the relicensure of such
32 persons and may require retraining as a condition of eligibility for relicensure,
33 and provided that the director may provide for the continuing licensure, subject
34 to restrictions, of persons who hold and exercise a law enforcement commission
35 requiring a peace officer license but not meeting the definition of a peace officer
36 pursuant to this chapter.

 590.040. 1. The POST commission shall set the minimum number of
2 hours of basic training for licensure as a peace officer no lower than four hundred
3 seventy and no higher than six hundred, with the following exceptions:

4 (1) Up to one thousand hours may be mandated for any class of license
5 required for commission by a state law enforcement agency;

6 (2) As few as one hundred twenty hours may be mandated for any class
7 of license restricted to commission as a reserve peace officer with police powers
8 limited to the commissioning political subdivision;

9 (3) Persons validly licensed on August 28, 2001, may retain licensure
10 without additional basic training;

11 (4) Persons licensed and commissioned within a county of the third
12 classification before July 1, 2002, may retain licensure with one hundred twenty

13 hours of basic training if the commissioning political subdivision has adopted an
14 order or ordinance to that effect;

15 (5) Persons serving as a reserve officer on August 27, 2001, within a
16 county of the first classification or a county with a charter form of government
17 and with more than one million inhabitants on August 27, 2001, having
18 previously completed a minimum of one hundred sixty hours of training, shall be
19 granted a license necessary to function as a reserve peace officer only within such
20 county. For the purposes of this subdivision, the term "reserve officer" shall
21 mean any person who serves in a less than full-time law enforcement capacity,
22 with or without pay and who, without certification, has no power of arrest and
23 who, without certification, must be under the direct and immediate
24 accompaniment of a certified peace officer of the same agency at all times while
25 on duty; and

26 (6) The POST commission shall provide for the recognition of basic
27 training received at law enforcement training centers of other states, the military,
28 the federal government and territories of the United States regardless of the
29 number of hours included in such training and shall have authority to require
30 supplemental training as a condition of eligibility for licensure.

31 2. The director shall have the authority to limit any exception provided
32 in subsection 1 of this section to persons remaining in the same commission or
33 transferring to a commission in a similar jurisdiction.

34 3. The basic training of every peace officer, except agents of the
35 conservation commission, shall include at least thirty hours of training in the
36 investigation and management of cases involving domestic and family
37 violence. Such training shall include instruction, specific to domestic and family
38 violence cases, regarding: report writing; physical abuse, sexual abuse, child
39 fatalities and child neglect; interviewing children and alleged perpetrators; the
40 nature, extent and causes of domestic and family violence; the safety of victims,
41 other family and household members and investigating officers; legal rights and
42 remedies available to victims, including rights to compensation and the
43 enforcement of civil and criminal remedies; services available to victims and their
44 children; the effects of cultural, racial and gender bias in law enforcement; and
45 state statutes. Said curriculum shall be developed and presented in consultation
46 with the department of health and senior services, the children's division, public
47 and private providers of programs for victims of domestic and family violence,
48 persons who have demonstrated expertise in training and education concerning

49 domestic and family violence, and the Missouri coalition against domestic
50 violence.

51 **4. The basic training of every peace officer, except agents of the**
52 **conservation commission, shall require certification in de-escalation**
53 **training and use of body-worn cameras by peace officers.**

54 **5. The basic training of every peace officer, except agents of the**
55 **conservation commission, shall prohibit the use of maneuvers that**
56 **restrict blood or oxygen flow to the brain, or prevents or hinders**
57 **breathing or reduces the intake of air, such as knee-holds, choke-**
58 **holds, or similar acts of applying force or pressure against the trachea,**
59 **windpipe, carotid arteries, or jugular veins unless deadly force is**
60 **lawful.**

590.080. 1. The director shall have cause to discipline any peace officer
2 licensee who:

3 (1) Is unable to perform the functions of a peace officer with reasonable
4 competency or reasonable safety as a result of a mental condition, including
5 alcohol or substance abuse;

6 (2) Has committed any criminal offense, whether or not a criminal charge
7 has been filed;

8 **(3) Has applied a carotid restraint within the meaning of this**
9 **chapter in the course of his or her duties as a peace officer, whether or**
10 **not the application of the carotid restraint resulted in serious injury**
11 **or death and whether or not the licensee is criminally prosecuted;**

12 (4) Has committed any act while on active duty or under color of law that
13 involves moral turpitude or a reckless disregard for the safety of the public or any
14 person;

15 **[(4)] (5)** Has caused a material fact to be misrepresented for the purpose
16 of obtaining or retaining a peace officer commission or any license issued
17 pursuant to this chapter;

18 **[(5)] (6)** Has violated a condition of any order of probation lawfully
19 issued by the director; or

20 **[(6)] (7)** Has violated a provision of this chapter or a rule promulgated
21 pursuant to this chapter.

22 2. When the director has knowledge of cause to discipline a peace officer
23 license pursuant to this section, the director may cause a complaint to be filed
24 with the administrative hearing commission, which shall conduct a hearing to

25 determine whether the director has cause for discipline, and which shall issue
26 findings of fact and conclusions of law on the matter. The administrative hearing
27 commission shall not consider the relative severity of the cause for discipline or
28 any rehabilitation of the licensee or otherwise impinge upon the discretion of the
29 director to determine appropriate discipline when cause exists pursuant to this
30 section.

31 3. Upon a finding by the administrative hearing commission that cause
32 to discipline exists, the director shall, within thirty days, hold a hearing to
33 determine the form of discipline to be imposed and thereafter shall probate,
34 suspend, or permanently revoke the license at issue. If the licensee fails to
35 appear at the director's hearing, this shall constitute a waiver of the right to such
36 hearing. **The director shall produce an annual public report including**
37 **a list of officers from each law enforcement agency whose licenses are**
38 **on probation, suspended, or revoked and post such report on the**
39 **department's website.**

40 4. Notice of any hearing pursuant to this chapter or section may be made
41 by certified mail to the licensee's address of record pursuant to subdivision (2) of
42 subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery
43 or the inability of postal authorities to deliver such certified mail shall be
44 evidence that required notice has been given. Notice may be given by publication.

45 5. Nothing contained in this section shall prevent a licensee from
46 informally disposing of a cause for discipline with the consent of the director by
47 voluntarily surrendering a license or by voluntarily submitting to discipline.

48 6. The provisions of chapter 621 and any amendments thereto, except
49 those provisions or amendments that are in conflict with this chapter, shall apply
50 to and govern the proceedings of the administrative hearing commission and
51 pursuant to this section the rights and duties of the parties involved.

590.180. 1. [No arrest shall be deemed unlawful solely because of the
2 licensure status of a peace officer, and evidence on the question cannot be
3 received in any civil or criminal case.

4 2.] The name, licensure status, and commissioning or employing law
5 enforcement agency, if any, of applicants and licensees pursuant to this chapter
6 shall be an open record. All other records retained by the director pertaining to
7 any applicant or licensee shall be confidential and shall not be disclosed to the
8 public or any member of the public, except with written consent of the person or
9 entity whose records are involved, provided, however, that the director may

10 disclose such information in the course of voluntary interstate exchange of
11 information, during the course of litigation involving the director, to other state
12 agencies, or, upon a final determination of cause to discipline, to law enforcement
13 agencies. No closed record conveyed to the director pursuant to this chapter shall
14 lose its status as a closed record solely because it is retained by the
15 director. Nothing in this section shall be used to compel the director to disclose
16 any record subject to attorney-client privilege or work-product privilege.

17 **[3.] 2.** In any investigation, hearing, or other proceeding pursuant to this
18 chapter, any record relating to any applicant or licensee shall be discoverable by
19 the director and shall be admissible into evidence, regardless of any statutory or
20 common law privilege or the status of any record as open or closed, including
21 records in criminal cases whether or not a sentence has been imposed. No person
22 or entity shall withhold records or testimony bearing upon the fitness to be
23 commissioned as a peace officer of any applicant or licensee on the ground of any
24 privilege involving the applicant or licensee, with the exception of attorney-client
25 privilege.

26 **[4.] 3.** Any person or entity submitting information to the director
27 pursuant to this chapter and doing so in good faith and without negligence shall
28 be immune from all criminal and civil liability arising from the submission of
29 such information and no cause of action of any nature shall arise against such
30 person.

31 **[5.] 4.** No person shall make any unauthorized use of any testing
32 materials or certification examination administered pursuant to subsection 2 of
33 section 590.030.

590.195. 1. A person commits a class B misdemeanor if, in violation of
2 this chapter, such person knowingly:

3 (1) Holds a commission as a peace officer without a peace officer license
4 valid for such commission; or

5 (2) Grants or continues the commission of a peace officer not validly
6 licensed for such commission.

7 2. Any person who purposely violates any other provision of this chapter
8 shall be guilty of a class B misdemeanor.

9 3. Any law enforcement agency that commissions a peace officer in
10 violation of this chapter or that is otherwise in violation of any provision of this
11 chapter shall not be eligible to receive state or federal funds that would otherwise
12 be paid to it for the purpose of training and licensing peace officers or for any

13 other law enforcement, safety, or criminal justice purpose and shall be subject
14 to a fine of one thousand dollars each day the agency commissions a
15 peace officer in violation of this chapter to serve.

590.230. 1. A law enforcement agency shall not receive the
2 following property from a military equipment surplus program
3 operated by the federal government:

- 4 (1) Drones that are armored, weaponized, or both;
- 5 (2) Aircraft that are combat configured or combat coded;
- 6 (3) Grenades or similar explosives and grenade launchers;
- 7 (4) Firearm or weapon silencers; or
- 8 (5) Militarized armored vehicles.

9 2. If a law enforcement agency purchases property from a
10 military equipment surplus program operated by the federal
11 government, the law enforcement agency may only use state or local
12 funds for the purchase. Funds obtained from the federal government
13 shall not be used to purchase property from a military equipment
14 surplus program.

15 3. If a law enforcement agency requests property from a military
16 equipment surplus program, the law enforcement agency shall publish
17 a notice of the request on a publicly accessible website within fourteen
18 days after the request.

590.510. 1. Every law enforcement agency in this state shall have
2 a written policy regarding the investigation of an officer-involved
3 death that involves a law enforcement officer employed by the law
4 enforcement agency. Such written policy shall:

- 5 (1) Require an investigation conducted by at least two
6 investigators, one of whom is the lead investigator and neither of whom
7 is employed by a law enforcement agency that employs a law
8 enforcement officer involved in the officer-involved death;
- 9 (2) Require the investigation to use a crash reconstruction unit
10 from a law enforcement agency that does not employ a law enforcement
11 officer involved in the officer-involved death being investigated if the
12 death is traffic related. However, any state law enforcement agency
13 may allow an investigation involving a law enforcement officer
14 employed by that agency to use a crash reconstruction unit from the
15 same state law enforcement agency; and
- 16 (3) Allow an internal investigation into the officer-involved death

17 if the internal investigation does not interfere with the investigation
18 required under this section.

19 2. Compensation for participation in an investigation under this
20 section shall be determined in a manner consistent with mutual aid
21 agreements.

22 3. The investigators conducting an investigation under this
23 section shall provide a complete report, in an expeditious manner, to
24 the prosecutor of the county or city not within a county in which the
25 officer-involved death occurred. If the prosecutor determines there is
26 no basis to prosecute the law enforcement officer involved in the
27 officer-involved death, the investigators conducting the investigation
28 under this section shall release a report of their findings.

29 4. As used in this section, the term "officer-involved death" shall
30 mean a death of an individual that results directly from an action or an
31 omission of a law enforcement officer while the officer is on duty or
32 while the officer is off duty but performing activities that are within
33 the scope of his or her law enforcement duties.

590.520. 1. For purposes of this section, "serious misconduct"
2 means improper or illegal actions taken by a law enforcement officer
3 in connection with the officer's official duties including, but not limited
4 to, a conviction for a felony, fabrication of evidence, repeated use of
5 excessive force, acceptance of a bribe, or the commission of fraud.

6 2. Before beginning employment with a law enforcement agency
7 in this state, a law enforcement officer who has been certified in
8 another state shall submit a preliminary application for certification
9 through examination by the agency.

10 3. The application shall be under oath and shall require the law
11 enforcement officer to provide any information determined to be
12 necessary by the agency, including but not limited to, an attestation by
13 the law enforcement officer of any of the following:

14 (1) Whether the officer has pled guilty to or been convicted of a
15 felony;

16 (2) Whether the officer has been discharged for serious
17 misconduct from employment as a law enforcement officer;

18 (3) Whether the officer's certification as a law enforcement
19 officer has been revoked or suspended in another state; and

20 (4) Whether the officer resigned or has been laid off when the

21 officer knew or had reason to believe that a disciplinary investigation
22 or action was imminent or pending which could have resulted in the
23 officer being discharged for serious misconduct.

24 4. A law enforcement agency shall deny a preliminary
25 application upon a finding that a law enforcement officer has done any
26 of the following:

27 (1) Pled guilty to or been convicted of a felony;

28 (2) Has had his or her certification as a law enforcement officer
29 revoked in another state;

30 (3) Been discharged for serious misconduct from employment as
31 a law enforcement officer; or

32 (4) Resigned or been laid off when a disciplinary investigation
33 or action was imminent or pending which could have resulted in the
34 officer being discharged for serious misconduct.

35 5. If a law enforcement agency denies a preliminary application
36 for certification, the officer shall be prohibited from employment as a
37 law enforcement officer in this state.

590.651. All law enforcement agencies shall prohibit the use of a
2 carotid restraint or choke-hold. The use of carotid restraints and
3 choke-holds shall be defined as deadly force pursuant to section 563.011
4 and shall be reported to the attorney general for publication.

590.652. Law enforcement agencies shall adopt the following
2 requirements regarding weapons and the use of force by officers:

3 (1) Each law enforcement agency shall ensure that only officers
4 who have successfully completed approved training and who are
5 currently certified under this chapter may carry and use firearms;

6 (2) Law enforcement officers must complete approved training
7 for use of firearms once per year;

8 (3) Law enforcement officers who fail to complete approved
9 training shall immediately relinquish all department-issued firearms;

10 (4) Law enforcement officer who fail to complete remedial
11 training within a reasonable time shall be subject to disciplinary
12 action, which may include termination of employment;

13 (5) Any law enforcement agency found to permit law enforcement
14 officers to carry an unauthorized firearm shall receive a warning for
15 the first offense and a fine of up to five thousand dollars for each
16 subsequent offense;

17 **(6) Each law enforcement agency shall require officers to report**
18 **a reasonable justification for each shot fired as a separate incident of**
19 **use of force.**

590.654. 1. Any peace officer or security guard, while in the
2 **performance of his or her official duties, who uses a carotid restraint**
3 **or choke-hold and causes death to another person in circumstances in**
4 **which a reasonable person would believe the use of deadly force is not**
5 **justified shall be guilty of the offense of aggravated strangulation in**
6 **the first degree. Such offense shall be a class A felony.**

7 **2. Any peace officer who is found guilty or has entered a plea of**
8 **guilty or nolo contendere under this section shall be referred for**
9 **disciplinary action pursuant to section 590.080.**

590.655. 1. Any peace officer or security guard, while in the
2 **performance of his or her official duties, who uses a carotid restraint**
3 **or choke-hold and causes serious physical injury to another person in**
4 **circumstances in which a reasonable person would believe physical**
5 **force is not justified shall be guilty of the offense of aggravated**
6 **strangulation in the second degree. Such offense shall be a class B**
7 **felony.**

8 **2. Any peace officer who is found guilty or has entered a plea of**
9 **guilty or nolo contendere under this section shall be referred for**
10 **disciplinary action pursuant to section 590.080.**

590.656. 1. Each state and local law enforcement agency shall
2 **send a report of all complaints alleging excessive use of force to the**
3 **attorney general. The report shall include a breakdown of which**
4 **complaints were verified, found to be unfounded, remain active, and**
5 **what steps were taken to address verified complaints. The report of**
6 **complaints shall include the age, gender, and race or minority group of**
7 **the individual alleging the complaint.**

8 **2. Each state and local law enforcement agency shall send a**
9 **report to the attorney general of all instances of deadly force by law**
10 **enforcement officers pursuant to section 544.190.**

[563.051. 1. A private person who has been directed by a
2 **person he or she reasonably believes to be a law enforcement officer**
3 **to assist such officer to effect an arrest or to prevent escape from**
4 **custody may, subject to the limitations of subsection 3 of this**
5 **section, use physical force when and to the extent that he or she**

6 reasonably believes such to be necessary to carry out such officer's
7 direction unless he or she knows or believes that the arrest or
8 prospective arrest is not or was not authorized.

9 2. A private person acting on his or her own account may,
10 subject to the limitations of subsection 3 of this section, use
11 physical force to arrest or prevent the escape of a person whom
12 such private person reasonably believes has committed an offense,
13 and who in fact has committed such offense, when the private
14 person's actions are immediately necessary to arrest the offender
15 or prevent his or her escape from custody.

16 3. A private person in effecting an arrest or in preventing
17 escape from custody is justified in using deadly force only:

18 (1) When deadly force is authorized under other sections of
19 this chapter; or

20 (2) When he or she reasonably believes deadly force is
21 authorized under the circumstances and he or she is directed or
22 authorized by a law enforcement officer to use deadly force; or

23 (3) When he or she reasonably believes such use of deadly
24 force is immediately necessary to arrest a person who at that time
25 and in his or her presence:

26 (a) Committed or attempted to commit a class A felony or
27 murder; or

28 (b) Is attempting to escape by use of a deadly weapon.

29 4. The defendant shall have the burden of injecting the
30 issue of justification under this section.]

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