

FIRST EXTRAORDINARY SESSION

# SENATE BILL NO. 18

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

Read 1st time July 28, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5860S.02I

## AN ACT

To repeal sections 590.010, 590.030, 590.040, 590.120, and 590.180, RSMo, and to enact in lieu thereof twelve new sections relating to public safety.

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

Section A. Sections 590.010, 590.030, 590.040, 590.120, and 590.180, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 190.1050, 590.010, 590.030, 590.040, 590.120, 590.180, 590.510, 590.512, 590.530, 590.575, 590.651, and 590.656, to read as follows:

**190.1050. 1. There is hereby established the "Critical Incident Stress Management Program" within the department of health and senior services. The program shall provide services for emergency service providers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to an emergency service provider affected by a critical incident.**

**2. Any information disclosed by an emergency service provider shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the emergency service provider unless:**

**(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;**

**(2) The person who received the services provides written**

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

18 consent to the disclosure;

19 (3) The program representative is a witness or a party to a  
20 critical incident that prompted the emergency service provider to  
21 receive critical stress services;

22 (4) The person receiving services discloses information that is  
23 required to be reported under mandatory reporting laws;

24 (5) The emergency service provider who received services is  
25 deceased; or

26 (6) The surviving emergency service provider who received  
27 services voluntarily testifies in a proceeding.

28 3. (1) There is hereby created in the state treasury the "Critical  
29 Incident Stress Management Program Fund", which shall consist of  
30 money appropriated by the general assembly. The state treasurer shall  
31 be custodian of the fund. In accordance with sections 30.170 and 30.180,  
32 the state treasurer may approve disbursements. The fund shall be a  
33 dedicated fund and money in the fund shall be used solely by the  
34 department of health and senior services for the purposes of providing  
35 services to emergency service providers as provided in subsection 1 of  
36 this section.

37 (2) Notwithstanding the provisions of section 33.080 to the  
38 contrary, any moneys remaining in the fund at the end of the biennium  
39 shall not revert to the credit of the general revenue fund.

40 (3) The state treasurer shall invest moneys in the fund in the  
41 same manner as other funds are invested. Any interest and moneys  
42 earned on such investments shall be credited to the fund.

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.

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-holds,**  
58 **or similar acts of applying force or pressure against the trachea,**  
59 **windpipe, carotid arteries, or jugular veins unless deadly force is**  
60 **lawful.**

61       6. **The basic training of every peace officer, except agents of the**  
62 **conservation commission, shall include scenario-based instruction and**  
63 **incorporate response techniques for the following issues:**

64       **(1) Mental illness;**

- 65           (2) Mental illness and diversity;
- 66           (3) The intersection between mental illness and the criminal
- 67 justice system;
- 68           (4) Mental health community resources;
- 69           (5) Psychotropic medications and their side effects;
- 70           (6) Co-occurring mental illness and substance use disorders;
- 71           (7) Suicide prevention;
- 72           (8) Symptoms of mental illnesses and disorders;
- 73           (9) Interaction with families of individuals with mental illnesses
- 74 during a mental illness crisis.
- 75           7. The basic training of every peace officer, except agents of the
- 76 conservation commission, shall include training related to working and
- 77 interacting with individuals with autism. Such training shall include:
- 78           (1) Autism overview and behavioral understanding;
- 79           (2) Best practices for interventions and de-escalation strategies;
- 80           (3) Prevention and crisis reduction models; and
- 81           (4) Review of technology and other tools available.

590.120. 1. There is hereby established within the department of public

2 safety a "Peace Officer Standards and Training Commission" which shall be

3 composed of [eleven] **thirteen** members, including [a] **three** voting public

4 [member] **members**, appointed by the governor, by and with the advice and

5 consent of the senate, from a list of qualified candidates submitted to the

6 governor by the director of the department of public safety. No more than two

7 members of the POST commission shall reside in the same congressional district

8 as any other at the time of their appointments but this provision shall not apply

9 to the public [member] **members**. Three members of the POST commission shall

10 be police chiefs, three members shall be sheriffs, one member shall represent a

11 state law enforcement agency covered by the provisions of this chapter, two

12 members shall be peace officers at or below the rank of sergeant employed by a

13 political subdivision, and one member shall be a chief executive officer of a

14 certified training academy. The public [member] **members** shall be at the time

15 of appointment [a] registered [voter; a person who is not and never has been]

16 **voters; such public members shall not be** a member of any profession

17 certified or regulated under this chapter or the spouse of such person; and [a

18 person who does not have and never has had] **such public members shall not**

19 **have or never have had** a material financial interest in either the providing

20 of the professional services regulated by this chapter, or an activity or  
21 organization directly related to any profession certified or regulated under this  
22 chapter. Each member of the POST commission shall have been at the time of  
23 his **or her** appointment a citizen of the United States and a resident of this state  
24 for a period of at least one year, and members who are peace officers shall be  
25 qualified as established by this chapter. No member of the POST commission  
26 serving a full term of three years may be reappointed to the POST commission  
27 until at least one year after the expiration of his **or her** most recent term.

28         2. Three of the original members of the POST commission shall be  
29 appointed for terms of one year, three of the original members shall be appointed  
30 for terms of two years, and three of the original members shall be appointed for  
31 terms of three years. Thereafter the terms of the members of the POST  
32 commission shall be for three years or until their successors are appointed. The  
33 director may remove any member of the POST commission for misconduct or  
34 neglect of office. Any member of the POST commission may be removed for cause  
35 by the director but such member shall first be presented with a written statement  
36 of the reasons thereof, and shall have a hearing before the POST commission if  
37 the member so requests. Any vacancy in the membership of the commission shall  
38 be filled by appointment for the unexpired term. No two members of the POST  
39 commission shall be employees of the same law enforcement agency.

40         3. Annually the director shall appoint one of the members as  
41 chairperson. The POST commission shall meet at least twice each year as  
42 determined by the director or a majority of the members to perform its duties. A  
43 majority of the members of the POST commission shall constitute a quorum.

44         4. No member of the POST commission shall receive any compensation for  
45 the performance of his official duties.

46         5. The POST commission shall guide and advise the director concerning  
47 duties pursuant to this chapter.

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.

34 5. Each law enforcement agency in this state shall perform a  
35 preliminary licensure status check on any law enforcement officer  
36 before beginning employment. A law enforcement officer who has had  
37 his or her certification removed by the POST commission or who has  
38 resigned or been laid off for disciplinary misconduct by another law  
39 enforcement agency shall be denied employment by such law  
40 enforcement agency.

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.

590.512. 1. Every law enforcement agency in this state shall have  
2 a written policy regarding:

3 (1) The duty for an officer to intervene in an excessive use of  
4 force situation;

5 (2) The duty for an officer to report illegal use of force; and

6 (3) The duty to only use deadly force when authorized under the  
7 law and officers shall consider less deadly measures prior to deadly use  
8 of force.

9           2. Law enforcement agencies shall update all policies to comply  
10 with this section by December 31, 2020.

11           3. The POST commission shall have the authority to investigate  
12 all law enforcement agencies to ensure compliance with the section.

590.530. 1. There is hereby established the "Ensuring Police  
2 Excellence and Improving Community Relations Advisory Council"  
3 within the department of public safety. The council shall assist the  
4 POST commission in maintaining policies and regulating peace officers  
5 in a manner that ensures the protection of civil and human rights. The  
6 council shall provide for citizen involvement in policing policies,  
7 regulations, and supervision. The council shall advance policies and  
8 reforms that promote positive interactions between peace officers and  
9 the community.

10           2. The council shall be made up of five law enforcement officers  
11 or law enforcement agency representatives appointed by the director  
12 of the department of public safety, two members of the senate  
13 appointed by the president pro tempore of the senate who shall appoint  
14 one member from the majority party and the other member from the  
15 minority party, two members of the house of representatives appointed  
16 by the speaker of the house of representatives who shall appoint one  
17 member from the majority party and the other member from the  
18 minority party, and six members of the community to be appointed by  
19 the human rights commission of Missouri.

20           3. The POST commission shall be required to place the council's  
21 recommendations on their meeting agenda within four months of  
22 receiving a recommendation.

23           4. The POST commission shall submit an annual report by  
24 December thirty-first of each year to the general assembly, and shall  
25 post such report on its public website, which shall include:

- 26           (1) All recommendations brought forth by the council;  
27           (2) All actions of the POST commission in response to such  
28 recommendations from the council;  
29           (3) Recommendations for legislative initiatives to promote  
30 community relations with peace officers; and  
31           (4) Information regarding police misconduct data.

32           5. No member of the council shall receive any compensation for  
33 the performance of his or her duties.

590.575. 1. The POST commission shall create and maintain a database that shall store complaints by members of the public related to officer misconduct. Each law enforcement agency shall submit, in real time, individual officer data involving excessive use of force complaints by members of the public. All personal identifying information of an officer shall be redacted.

2. The POST commission shall submit an annual report using the information from the database to the attorney general which shall:

- (1) Evaluate the effectiveness of officer training;
- (2) Assist the council in the council's duties pursuant to section 590.530;
- (3) Identify patterns of behavior of peace officers which suggest when an officer is more likely to violate a model policy.

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

(2) All law enforcement agencies shall prohibit the use of warrior-style training.

(3) The use of "warrior-style training" shall mean training that includes tactics which dehumanizes a person or encourages aggressive conduct by peace officers during encounters with others in a manner that devalues human life and encourages the use of deadly force.

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

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

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