

SENATE SUBSTITUTE
 FOR
 SENATE COMMITTEE SUBSTITUTE
 FOR
 SENATE BILLS NOS. 53 & 60
 AN ACT

To repeal sections 84.400, 565.240, 566.145, 590.030, and 590.070, RSMo, and to enact in lieu thereof nine new sections relating to law enforcement officers, with penalty provisions.

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

Section A. Sections 84.400, 565.240, 566.145, 590.030, 2 and 590.070, RSMo, are repealed and nine new sections enacted 3 in lieu thereof, to be known as sections 84.400, 84.575, 4 546.265, 563.015, 565.240, 566.145, 590.030, 590.070, and 5 590.075, to read as follows:

84.400. 1. Any one of said commissioners so appointed 2 or any member of any such police force who, during the term 3 of his office, shall accept any other place of public trust, 4 or emolument, or who shall knowingly receive any nomination 5 for an office elective by the people, and shall fail to 6 decline such nomination publicly within the five days 7 succeeding such nomination or shall become a candidate for 8 the nomination for any office at the hands of any political 9 party, shall be deemed to have thereby forfeited and vacated 10 office as such commissioner or member of such police force.

2. Notwithstanding any provisions of law to the 11 contrary, a member of the board or any member of such police 12 force may be appointed to serve on any state or federal 13 board, commission, or task force where no compensation for 14 such service is paid, except that such board member or 15 member of such police force may accept payment of a per diem 16

17 for attending meetings, or if no per diem is provided,
18 reimbursement from such board, commission, or task force for
19 reasonable and necessary expenses for attending such
20 meetings.

21 84.575. 1. The board of police commissioners
2 established by section 84.350 shall not require, as a
3 condition of employment, that any currently employed or
4 prospective law enforcement officer or other employee reside
5 within any jurisdictional limit. If the board of police
6 commissioners has a residency rule or requirement for law
7 enforcement officers or other employees that is in effect on
8 or before August 28, 2021, the residency rule or requirement
9 shall not apply and shall not be enforced.

10 2. The board of police commissioners may impose a
11 residency rule or requirement on law enforcement officers or
12 other employees, but the rule or requirement shall be no
13 more restrictive than requiring such personnel to reside
14 within sixty miles from the nearest city limit.

15 546.265. 1. As used in this section, the following
2 terms mean:

3 (1) "Crime stoppers organization", a private, not-for-
4 profit organization that collects and expends donations for
5 rewards to persons who report to the organization
6 information concerning criminal activity and that forwards
7 such information to appropriate law enforcement agencies;

8 (2) "Privileged communication", information by an
9 anonymous person to a crime stoppers organization for the
10 purpose of reporting alleged criminal activity.

11 2. No person shall be required to disclose, by way of
12 testimony or otherwise, a privileged communication between a
13 person who submits a report of alleged criminal activity to
14 a crime stoppers organization and the person who accepts the
15 report on behalf of a crime stoppers organization or to

16 produce, under subpoena, any records, documentary evidence,
17 opinions, or decisions relating to such privileged
18 communication:

19 (1) In connection with any criminal case or
20 proceeding; or

21 (2) By way of any discovery procedure.

22 3. Any person arrested or charged with a criminal
23 offense may petition the court for an in-camera inspection
24 of the records of a privileged communication concerning the
25 report such person made to a crime stoppers organization.
26 The petition shall allege facts showing that such records
27 would provide evidence favorable to the defendant and
28 relevant to the issue of guilt or punishment. If the court
29 determines that the person is entitled to all or any part of
30 such records, the court may order production and disclosure
31 as the court deems appropriate.

563.015. 1. A law enforcement officer is prohibited
2 from using a respiratory choke-hold unless deadly force is
3 authorized pursuant to this chapter.

4 2. A respiratory choke-hold includes the use of any
5 body part or object to attempt to control or disable by
6 applying pressure to a person's neck with the purpose,
7 intent, or effect of controlling or restricting such
8 person's breathing.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, [or] telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts the name, home address,
12 Social Security number, telephone number, or any other
13 personally identifiable information of any law enforcement
14 officer, corrections officer, parole officer, or prosecuting
15 attorney, or immediate family member of such officers, on
16 the internet intending to cause great bodily harm or death,
17 or threatening to cause great bodily harm or death, in which
18 case it is a class E felony.

 566.145. 1. A person commits the offense of sexual
2 conduct in the course of public duty if the person engages
3 in sexual conduct:

4 (1) With a detainee, a prisoner, or an offender [if he
5 or she] and the person:

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

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

13 (c) Is a law enforcement officer and engages in sexual
14 conduct with a detainee or prisoner who is in the custody of
15 such officer; or

16 (2) With someone who is not a detainee, a prisoner, or
17 an offender and the person is:

18 (a) A probation and parole officer, a police officer,
19 or an employee of, or assigned to work in, any jail, prison,
20 or correctional facility;

21 (b) On duty; and

22 (c) Acting with a coercive purpose.

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

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

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

31 [(2)] (3) "Prisoner", includes any person who is in
32 the custody of a jail, whether pretrial or after disposition
33 of a charge.

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

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

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

5 2. The director shall establish minimum age,
6 citizenship, and general education requirements and may
7 require a qualifying score on a certification examination as
8 conditions of eligibility for a peace officer license. Such
9 general education requirements shall require completion of a
10 high school program of education under chapter 167 or
11 obtainment of a General Educational Development (GED)
12 certificate.

13 3. The director shall provide for the licensure, with
14 or without additional basic training, of peace officers
15 possessing credentials by other states or jurisdictions,
16 including federal and military law enforcement officers.

17 4. The director shall establish a procedure for
18 obtaining a peace officer license and shall issue the proper
19 license when the requirements of this chapter have been met.

20 5. As conditions of licensure, all licensed peace
21 officers shall:

22 (1) Obtain continuing law enforcement education
23 pursuant to rules to be promulgated by the POST commission;
24 [and]

25 (2) Maintain a current address of record on file with
26 the director; and

27 (3) Submit to being fingerprinted on or before January
28 1, 2022, and at any time a peace officer is commissioned
29 with a different law enforcement agency, for the purpose of
30 a criminal history background check and enrollment in the
31 state and federal Rap Back programs, pursuant to section
32 43.540. The criminal history background check shall include
33 the records of the Federal Bureau of Investigation. The
34 resulting report shall be forwarded to the officer's
35 commissioning law enforcement agency at the time of
36 enrollment and Rap Back enrollment shall be for the purpose
37 of the requirements of subsection 3 of section 590.070 and
38 subsection 2 of section 590.118. An officer shall take all
39 necessary steps to maintain enrollment in Rap Back at all
40 law enforcement agencies where the officer is commissioned
41 for as long as the officer is commissioned with that agency.

42 6. A peace officer license shall automatically expire
43 if the licensee fails to hold a commission as a peace
44 officer for a period of five consecutive years, provided
45 that the POST commission shall provide for the relicensure
46 of such persons and may require retraining as a condition of
47 eligibility for relicensure, and provided that the director
48 may provide for the continuing licensure, subject to
49 restrictions, of persons who hold and exercise a law

50 enforcement commission requiring a peace officer license but
51 not meeting the definition of a peace officer pursuant to
52 this chapter.

53 7. All law enforcement agencies shall enroll in the
54 state and federal Rap Back programs on or before January 1,
55 2022, and continue to remain enrolled. The law enforcement
56 agency shall take all necessary steps to maintain officer
57 enrollment for all officers commissioned with that agency in
58 the Rap Back programs. An officer shall submit to being
59 fingerprinted at any law enforcement agency upon
60 commissioning and for as long as the officer is commissioned
61 with that agency.

590.070. 1. The chief executive officer of each law
2 enforcement agency shall, within thirty days after
3 commissioning any peace officer, notify the director on a
4 form to be adopted by the director. The director may
5 require the chief executive officer to conduct a current
6 criminal history background check and to forward the
7 resulting report to the director.

8 2. The chief executive officer of each law enforcement
9 agency shall, within thirty days after any licensed peace
10 officer departs from employment or otherwise ceases to be
11 commissioned, notify the director on a form to be adopted by
12 the director. Such notice shall state the circumstances
13 surrounding the departure from employment or loss of
14 commission and shall specify any of the following that apply:

15 (1) The officer failed to meet the minimum
16 qualifications for commission as a peace officer;

17 (2) The officer violated municipal, state or federal
18 law;

19 (3) The officer violated the regulations of the law
20 enforcement agency; or

21 (4) The officer was under investigation for violating
22 municipal, state or federal law, or for gross violations of
23 the law enforcement agency regulations.

24 3. Whenever the chief executive officer of a law
25 enforcement agency has reasonable grounds to believe that
26 any peace officer commissioned by the agency is subject to
27 discipline pursuant to section 590.080, the chief executive
28 officer shall report such knowledge to the director.

29 4. Notwithstanding any other provision of law to the
30 contrary, the chief executive officer of each law
31 enforcement agency has absolute immunity from suit for
32 compliance with this section, unless the chief executive
33 officer presented false information to the director with the
34 intention of causing reputational harm to the peace officer.

590.075. The chief executive officer of each law
2 enforcement agency shall, prior to commissioning any peace
3 officer, request a certified copy from the director of all
4 notifications received pursuant to section 590.070 and the
5 director shall provide all notifications stored
6 electronically to the chief executive officer who requested
7 the notifications within three business days after receipt
8 of request. If the director receives any additional
9 notifications regarding the candidate for commissioning
10 within sixty days of a chief executive officer's request
11 under this section, a copy of such notifications shall be
12 forwarded by the director to the requesting chief executive
13 officer within three business days following receipt.