

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill Nos. 53 & 60, Page 8, Section 590.075, Line 13,

2 by inserting after all of said line the following:

3       "590.192. 1. There is hereby established the  
 4 "Critical Incident Stress Management Program" within the  
 5 department of public safety. The program shall provide  
 6 services for peace officers to assist in coping with stress  
 7 and potential psychological trauma resulting from a response  
 8 to a critical incident or emotionally difficult event. Such  
 9 services may include consultation, risk assessment,  
 10 education, intervention, and other crisis intervention  
 11 services provided by the department to peace officers  
 12 affected by a critical incident. For purposes of this  
 13 section, a "critical incident" shall mean any event outside  
 14 the usual realm of human experience that is markedly  
 15 distressing or evokes reactions of intense fear,  
 16 helplessness, or horror and involves the perceived threat to  
 17 a person's physical integrity or the physical integrity of  
 18 someone else.

19       2. All peace officers shall be required to meet with a  
 20 program service provider once every three to five years for  
 21 a mental health check-in. The program service provider  
 22 shall send a notification to the peace officer's commanding  
 23 officer that he or she completed such check-in.

24       3. Any information disclosed by a peace officer shall  
 25 be privileged and shall not be used as evidence in criminal,

26 administrative, or civil proceedings against the peace  
27 officer unless:

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

31 (2) The person who received the services provides  
32 written consent to the disclosure; or

33 (3) The person receiving services discloses  
34 information that is required to be reported under mandatory  
35 reporting laws.

36 4. (1) There is hereby created in the state treasury  
37 the "988 Public Safety Fund", which shall consist of money  
38 appropriated by the general assembly. The state treasurer  
39 shall be custodian of the fund. In accordance with sections  
40 30.170 and 30.180, the state treasurer may approve  
41 disbursements. The fund shall be a dedicated fund and money  
42 in the fund shall be used solely by the department of public  
43 safety for the purposes of providing services for peace  
44 officers pursuant to subsection 1 of this section. Such  
45 services may include consultation, risk assessment,  
46 education, intervention, and other crisis intervention  
47 services provided by the department to peace officers  
48 affected by a critical incident. The director of public  
49 safety may prescribe rules and regulations necessary to  
50 carry out the provisions of this section. Any rule or  
51 portion of a rule, as that term is defined in section  
52 536.010, that is created under the authority delegated in  
53 this section shall become effective only if it complies with  
54 and is subject to all of the provisions of chapter 536 and,  
55 if applicable, section 536.028. This section and chapter  
56 536 are nonseverable and if any of the powers vested with  
57 the general assembly pursuant to chapter 536 to review, to  
58 delay the effective date, or to disapprove and annul a rule

59 are subsequently held unconstitutional, then the grant of  
60 rulemaking authority and any rule proposed or adopted after  
61 August 28, 2021, shall be invalid and void.

62 (2) Notwithstanding the provisions of section 33.080  
63 to the contrary, any moneys remaining in the fund at the end  
64 of the biennium shall not revert to the credit of the  
65 general revenue fund.

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

70 590.1265. 1. The provisions of this section shall be  
71 known and may be cited as the "Police Use of Force  
72 Transparency Act of 2021".

73 2. For purposes of this section, the following terms  
74 mean:

75 (1) "Law enforcement agency", the same meaning as  
76 defined in section 590.1040;

77 (2) "Peace officer", the same meaning as defined in  
78 section 590.010;

79 (3) "Serious physical injury", the same meaning as  
80 defined in section 556.061;

81 (4) "Use-of-force incident", an incident in which:

82 (a) A fatality occurs that is connected to a use of  
83 force by a peace officer;

84 (b) Serious bodily injury occurs that is connected to  
85 a use of force by a peace officer; or

86 (c) In the absence of death or serious physical  
87 injury, a peace officer discharges a firearm at, or in the  
88 direction of, a person.

89 3. Starting on March 1, 2022, and at least annually  
90 thereafter, each law enforcement agency shall collect and  
91 report local data on use-of-force incidents involving peace

92 officers to the National Use of Force Data Collection  
93 through the Law Enforcement Enterprise Portal administered  
94 by the Federal Bureau of Investigation. Law enforcement  
95 agencies shall not include personally identifying  
96 information of individual peace officers in their reports.

97 4. Each law enforcement agency shall additionally  
98 report the data submitted under subsection 3 of this section  
99 to the department of public safety. Law enforcement  
100 agencies shall not include personally identifying  
101 information of individual peace officers in their reports.

102 5. The department of public safety shall, no later  
103 than October 31, 2021, develop standards and procedures  
104 governing the collection and reporting of use-of-force data  
105 under this section. The standards and procedures shall be  
106 consistent with the requirements, definitions, and methods  
107 of the National Use of Force Data Collection administered by  
108 the Federal Bureau of Investigation.

109 6. By March 1, 2023, and at least annually thereafter,  
110 the department of public safety shall publish the data  
111 reported by law enforcement agencies under subsection 4 of  
112 this section, including statewide aggregate data and agency-  
113 specific data, in a publicly available report on the  
114 department of public safety's website. Such data shall be  
115 deemed a public record consistent with the provisions and  
116 exemptions contained in chapter 610.

117 7. The department of public safety shall undertake an  
118 analysis of any trends and disparities in rates of use of  
119 force by all law enforcement agencies, with a report to be  
120 released to the public no later than June 30, 2025. The  
121 report shall be updated periodically thereafter, but not  
122 less than once every five years."; and

123 Further amend the title and enacting clause  
124 accordingly.