

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 53 & 60

AN ACT

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

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

Section A. Sections 84.400, 566.145, and 590.070, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 84.400, 84.575, 563.015, 566.145, 590.070, and 590.075, to read as follows:

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

2. Notwithstanding any provisions of law to the contrary, a member of the board or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member or member of such police force may accept payment of a per diem for attending meetings, or if no per diem is provided, reimbursement from such board, commission, or task force for reasonable and necessary expenses for attending such meetings.

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

2. The board of police commissioners may impose a residency rule or requirement on law enforcement officers or other employees, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within a one-hour response time.

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

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

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

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

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

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

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

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

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

(b) On duty; and

(c) Acting with a coercive purpose.

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

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

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

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

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

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

590.070. 1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current

criminal history background check and to forward the resulting report to the director.

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

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

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

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

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

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

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

590.075. The chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the director of all notifications received pursuant to section 590.070 and the

director shall provide all notifications to the chief
executive officer who requested the notifications within
three business days after receipt of request.