

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 74

AN ACT

To repeal section 557.035, RSMo, and to enact in lieu thereof two 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Section A. Section 557.035, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 557.035 and 590.1265, to read as follows:

557.035. 1. For all violations of section 565.054 or 565.090, subdivision (1) of subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, or because of the victim's employment as a law enforcement officer or first responder, the state may charge the offense or offenses under this section, and the violation is a class D felony.

2. For all violations of section 565.056; [subdivision (1) of subsection 1 of section 569.090;] subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, or because of the victim's employment as a law enforcement officer or first responder, the state may charge the offense or offenses under this section, and the violation is a class E felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

4. For purposes of this section, "first responder" means state and local law enforcement personnel, fire department personnel, and emergency medical personnel who may be deployed to terrorist attacks, catastrophic or natural disasters, and emergencies. "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

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

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

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

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

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

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

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

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

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

3. Starting on January 1, 2022, and at least annually thereafter, each law enforcement agency shall, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation.

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

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

6. By January 30, 2023, and at least annually thereafter, the department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report on the department of public safety's website. Such data shall be deemed a public record consistent with the provisions and exemptions contained in chapter 610.

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