

SENATE BILL NO. 297

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

1102S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to the establishment of a use-of-force database.

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

Section A. Chapter 590, RSMo, is amended by adding thereto one new section, to be known as section 590.1254, to read as follows:

590.1254. 1. Beginning January 1, 2022, the Missouri state highway patrol and each local law enforcement agency that employs peace officers shall report to the attorney general's office the following:

(1) All use of force by its peace officers that results in death or serious bodily injury, including:

(a) The date, time, and location of the use of force;

(b) The perceived race, ethnicity, sex, and approximate age of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data;

(c) The names of all peace officers who were at the scene, identified by whether the peace officer was involved in the use of force, except that the other peace officers at the scene not directly involved in the use of force shall be identified by the officer's identification number issued by the POST commission unless the peace officer is charged

19 criminally or is a defendant to a civil suit arising from
20 the use of force;

21 (d) The type of force used, the severity and nature of
22 the injury, whether the peace officer suffered physical
23 injury, and the severity and nature of the peace officer's
24 injury;

25 (e) Whether the peace officer was on duty at the time
26 of the use of force;

27 (f) Whether a peace officer unholstered a weapon
28 during the incident;

29 (g) Whether a peace officer discharged a firearm
30 during the incident;

31 (h) Whether the use of force resulted in a law
32 enforcement agency investigation and, if so, the result of
33 the investigation; and

34 (i) Whether the use of force resulted in a citizen
35 complaint and the resolution of that complaint;

36 (2) All instances in which a peace officer resigned
37 while under investigation for violating department policy;

38 (3) All data relating to contacts conducted by its
39 peace officers, including:

40 (a) The perceived race, ethnicity, sex, and
41 approximate age of the person contacted, provided that the
42 identification of these characteristics is based on the
43 observation and perception of the peace officer making the
44 contact and other available data;

45 (b) Whether the contact was a traffic stop;

46 (c) The time, date, and location of the contact;

47 (d) The duration of the contact;

48 (e) The reason for the contact;

49 (f) The suspected offense;

50 (g) The result of the contact, such as:

51 a. No action, warning, citation, property seizure, or
52 arrest;

53 b. If a warning or citation was issued, the warning
54 provided or violation cited;

55 c. If an arrest was made, the offense alleged;

56 d. If the contact was a traffic stop, the information
57 collected, which is limited to the driver;

58 (h) The actions taken by the peace officer during the
59 contact including, but not limited to, whether:

60 a. The peace officer asked for consent to search the
61 person and, if so, whether consent was provided;

62 b. The peace officer searched the person or any
63 property and, if so, the basis for the search and the type
64 of contraband or evidence discovered, if any;

65 c. The peace officer seized any property and, if so,
66 the type of property that was seized and the basis for
67 seizing the property;

68 d. A peace officer unholstered a weapon during the
69 contact; and

70 e. A peace officer discharged a firearm during the
71 contact;

72 (4) All instances of unannounced entry into a
73 residence with or without a warrant, including:

74 (a) The date, time, and location of the use of
75 unannounced entry;

76 (b) The perceived race, ethnicity, sex, and
77 approximate age of the subject of the unannounced entry,
78 provided that the identification of these characteristics is
79 based on the observation and perception of the peace officer
80 making the entry and other available data;

81 (c) Whether a peace officer unholstered a weapon
82 during the unannounced entry; and

83 (d) Whether a peace officer discharged a firearm
84 during the unannounced entry.

85 2. Notwithstanding any provision of law to the
86 contrary, the data reported under this section shall be made
87 available to the public on the database established under
88 subsection 3 of this section. The Missouri state highway
89 patrol and local law enforcement agencies shall not report
90 the name, address, Social Security number, or other unique
91 personal identifying information of the subject of the use
92 of force; victim of the official misconduct; or persons
93 contacted, searched, or subjected to a property seizure.

94 3. The office of the attorney general shall maintain a
95 statewide database with data collected pursuant to this
96 section, in a searchable format, and publish the database on
97 its website. The database shall be made available to the
98 public no later than January 1, 2022. The database shall
99 include a law enforcement identification system to track
100 peace officer complaints from one agency to another. The
101 database shall be accessible to the public and shall not
102 require special accounts or impose fees for access to the
103 data.

104 4. The Missouri state highway patrol and any local law
105 enforcement agency that fails to meet its reporting
106 requirements under this section shall be subject to the
107 suspension of its funding by its appropriating authority.

108 5. The director of the department of public safety may
109 promulgate all necessary rules and regulations for the
110 administration of this section. Any rule or portion of a
111 rule, as that term is defined in section 536.010, that is
112 created under the authority delegated in this section shall
113 become effective only if it complies with and is subject to
114 all of the provisions of chapter 536 and, if applicable,

115 section 536.028. This section and chapter 536 are
116 nonseverable, and if any of the powers vested with the
117 general assembly pursuant to chapter 536 to review, to delay
118 the effective date, or to disapprove and annul a rule are
119 subsequently held unconstitutional, then the grant of
120 rulemaking authority and any rule proposed or adopted after
121 August 28, 2021, shall be invalid and void.

✓