

FIRST REGULAR SESSION

# SENATE BILL NO. 60

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

0468S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 105.240, 542.271, 542.276, 542.291, 542.296, 544.190, 544.200, 563.031, 563.041, 563.046, 563.051, 563.074, 566.145, 575.180, 590.010, 590.030, 590.040, 590.080, 590.180, and 590.195, RSMo, and to enact in lieu thereof twenty-eight new sections relating to law enforcement agency accountability, with penalty provisions.

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

Section A. Sections 105.240, 542.271, 542.276, 542.291, 542.296, 544.190, 544.200, 563.031, 563.041, 563.046, 563.051, 563.074, 566.145, 575.180, 590.010, 590.030, 590.040, 590.080, 590.180, and 590.195, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 105.240, 542.271, 542.276, 542.291, 542.296, 544.190, 544.200, 563.031, 563.041, 563.046, 563.074, 566.145, 574.055, 575.180, 590.010, 590.030, 590.040, 590.080, 590.180, 590.195, 590.230, 590.510, 590.520, 590.651, 590.652, 590.654, 590.655, and 590.656, to read as follows:

105.240. Every officer may break open doors and enclosures to execute a warrant or other process for the arrest of any person, or to levy an execution, or execute an order for the delivery of personal property, if, upon public demand and an announcement of his official character, they be not opened. **Any search warrant issued by a judge and executed upon a premises that does not require those executing the warrant to knock may only be used with reasonable suspicion that the alleged perpetrator of a**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

10 **violent felony offense will escape or cause bodily harm to**  
11 **others.**

542.271. 1. A warrant may be issued to search for and  
2 seize, or photograph, copy or record any of the following:

3 (1) Property, article, material, or substance that  
4 constitutes evidence of the commission of a criminal  
5 offense; or

6 (2) Property which has been stolen or acquired in any  
7 other manner declared an offense by chapters 569 and 570; or

8 (3) Property owned by any person furnishing public  
9 communications services to the general public subject to the  
10 regulations of the public service commission if such person  
11 has failed to remove the property within a reasonable time  
12 after receipt of a written notice from a peace officer  
13 stating that such property is being used as an  
14 instrumentality in the commission of an offense; or

15 (4) Property for which possession is an offense under  
16 the law of this state; or

17 (5) Property for which seizure is authorized or  
18 directed by any statute of this state; or

19 (6) Property which has been used by the owner or used  
20 with his acquiescence or consent as a raw material or as an  
21 instrument to manufacture or produce any thing for which  
22 possession is an offense under the laws of this state.

23 2. A warrant may be issued to search for and rescue a  
24 kidnapped person.

25 3. A warrant may be issued to search for any person  
26 for whom a valid felony arrest warrant is outstanding.

27 4. A warrant may be issued to search for and seize any  
28 deceased human fetus or corpse, or part thereof.

29 5. **Any search warrant issued by a judge and executed**  
30 **upon a premises that does not require those executing the**

31 **warrant to knock may only be used with reasonable suspicion**  
32 **that the alleged perpetrator of a violent felony offense**  
33 **will escape or cause bodily harm to others.**

34         6. The provisions of sections 542.261 to 542.296 and  
35 section 542.301 shall prevail over any rules and regulations  
36 promulgated by any state governmental agency, commission or  
37 board, to the contrary notwithstanding.

       542.276. 1. Any peace officer or prosecuting attorney  
2 may make application under section 542.271 for the issuance  
3 of a search warrant.

4         2. The application shall:

5             (1) Be in writing;

6             (2) State the time and date of the making of the  
7 application;

8             (3) Identify the property, article, material,  
9 substance or person which is to be searched for and seized,  
10 in sufficient detail and particularity that the officer  
11 executing the warrant can readily ascertain it;

12            (4) Identify the person, place, or thing which is to  
13 be searched, in sufficient detail and particularity that the  
14 officer executing the warrant can readily ascertain whom or  
15 what he or she is to search;

16            (5) State facts sufficient to show probable cause for  
17 the issuance of a search warrant;

18            (6) Be verified by the oath or affirmation of the  
19 applicant;

20            (7) Be filed in the proper court;

21            (8) Be signed by the prosecuting attorney of the  
22 county where the search is to take place, or his or her  
23 designated assistant.

24         3. The application may be supplemented by a written  
25 affidavit verified by oath or affirmation. Such affidavit

26 shall be considered in determining whether there is probable  
27 cause for the issuance of a search warrant and in filling  
28 out any deficiencies in the description of the person,  
29 place, or thing to be searched or of the property, article,  
30 material, substance, or person to be seized. Oral testimony  
31 shall not be considered. The application may be submitted  
32 by facsimile or other electronic means.

33 4. The judge shall determine whether sufficient facts  
34 have been stated to justify the issuance of a search  
35 warrant. If it appears from the application and any  
36 supporting affidavit that there is probable cause to believe  
37 that property, article, material, substance, or person  
38 subject to seizure is on the person or at the place or in  
39 the thing described, a search warrant shall immediately be  
40 issued. The warrant shall be issued in the form of an  
41 original and two copies.

42 5. **Any search warrant issued by a judge and executed**  
43 **upon a premises that does not require those executing the**  
44 **warrant to knock may only be used with reasonable suspicion**  
45 **that the alleged perpetrator of a violent felony offense**  
46 **will escape or cause bodily harm to others.**

47 6. The application and any supporting affidavit and a  
48 copy of the warrant shall be retained in the records of the  
49 court from which the warrant was issued.

50 [6.] 7. The search warrant shall:

- 51 (1) Be in writing and in the name of the state of  
52 Missouri;
- 53 (2) Be directed to any peace officer in the state;
- 54 (3) State the time and date the warrant is issued;
- 55 (4) Identify the property, article, material,  
56 substance or person which is to be searched for and seized,

57 in sufficient detail and particularity that the officer  
58 executing the warrant can readily ascertain it;

59 (5) Identify the person, place, or thing which is to  
60 be searched, in sufficient detail and particularity that the  
61 officer executing the warrant can readily ascertain whom or  
62 what he or she is to search;

63 (6) Command that the described person, place, or thing  
64 be searched and that any of the described property, article,  
65 material, substance, or person found thereon or therein be  
66 seized or photographed or copied and within ten days after  
67 filing of the application, any photographs or copies of the  
68 items may be filed with the issuing court;

69 (7) Be signed by the judge, with his or her title of  
70 office indicated.

71 [7.] 8. A search warrant issued under this section may  
72 be executed only by a peace officer. The warrant shall be  
73 executed by conducting the search and seizure commanded.  
74 The search warrant issued under this section may be issued  
75 by facsimile or other electronic means.

76 [8.] 9. A search warrant shall be executed as soon as  
77 practicable and shall expire if it is not executed and the  
78 return made within ten days after the date of the making of  
79 the application. A search and any subsequent searches of  
80 the contents of any property, article, material, or  
81 substance seized and removed from the location of the  
82 execution of any search warrant during its execution may be  
83 conducted at any time during or after the execution of the  
84 warrant, subject to the continued existence of probable  
85 cause to search the property, article, material, or  
86 substance seized and removed. A search and any subsequent  
87 searches of the property, article, material, or substance  
88 seized and removed may be conducted after the time for

89 delivering the warrant, return, and receipt to the issuing  
90 judge has expired. A supplemental return and receipt shall  
91 be delivered to the issuing judge upon final completion of  
92 any search which concludes after the expiration of time for  
93 delivering the original return and receipt.

94 [9.] 10. After execution of the search warrant, the  
95 warrant with a return thereon, signed by the officer making  
96 the search, shall be delivered to the judge who issued the  
97 warrant. The return shall show the date and manner of  
98 execution, what was seized, and the name of the possessor  
99 and of the owner, when he or she is not the same person, if  
100 known. The return shall be accompanied by a copy of the  
101 itemized receipt required by subsection [6] 5 of section  
102 542.291. The judge or clerk shall, upon request, deliver a  
103 copy of such receipt to the person from whose possession the  
104 property was taken and to the applicant for the warrant.

105 [10.] 11. A search warrant shall be deemed invalid:

- 106 (1) If it was not issued by a judge; or  
107 (2) If it was issued without a written application  
108 having been filed and verified; or  
109 (3) If it was issued without probable cause; or  
110 (4) If it was not issued in the proper county; or  
111 (5) If it does not describe the person, place, or  
112 thing to be searched or the property, article, material,  
113 substance, or person to be seized with sufficient certainty;  
114 or  
115 (6) If it is not signed by the judge who issued it; or  
116 (7) If it was not executed within the time prescribed  
117 by subsection 8 of this section.

118 [11.] 12. The application or execution of a search  
119 warrant shall not be deemed invalid for the sole reason that  
120 the application or execution of the warrant relies upon

121 electronic signatures of the peace officer or prosecutor  
122 seeking the warrant or judge issuing the warrant.

542.291. 1. The search shall be conducted in a  
2 reasonable manner. The search may be made at night if  
3 making it during the daytime is not practicable.  
4 **Notwithstanding any other provision of law to the contrary,**  
5 **a search is not conducted in a reasonable manner if the**  
6 **search is conducted without the officer knocking and**  
7 **providing notice of his or her authority and purpose unless**  
8 **the officer has a reasonable suspicion that the alleged**  
9 **perpetrator of a violent felony offense will escape or cause**  
10 **bodily harm to others.**

11 2. An officer making a search pursuant to an invalid  
12 warrant, the invalidity of which is not apparent on its  
13 face, may use such force as he would be justified in using  
14 if the warrant were valid. **A warrant is invalid on its face**  
15 **if it authorizes or impliedly authorizes peace officers to**  
16 **execute said warrant without knocking and providing notice**  
17 **of their authority and purpose. A peace officer may still**  
18 **execute a search warrant that authorizes or impliedly**  
19 **authorizes him or her to execute a search without knocking**  
20 **and providing notice of his or her authority and purpose,**  
21 **but, pursuant to subsection 1 of this section, such officer**  
22 **shall knock and provide notice of his or her authority and**  
23 **purpose unless the officer has a reasonable suspicion that**  
24 **the alleged perpetrator of a violent felony offense will**  
25 **escape or cause bodily harm to others.**

26 3. The officer may summon as many persons as he deems  
27 necessary to assist him in executing the warrant. Such  
28 persons shall not be held liable as a result of the  
29 illegality of the search and seizure.

30           4. If any property is seized, the officer shall give  
31 to the person from whose possession it is taken, if he is  
32 present, a copy of the warrant and an itemized receipt of  
33 the property taken. If no person is present, the officer  
34 shall leave the copy and the receipt at the site of the  
35 search.

36           5. A copy of the itemized receipt of any property  
37 taken shall be delivered to the office of the prosecuting  
38 attorney in the county where the property was taken within  
39 two working days of the search.

542.296. 1. A person aggrieved by an unlawful seizure  
2 made by an officer and against whom there is a pending  
3 criminal proceeding growing out of the subject matter of the  
4 seizure may file a motion to suppress the use in evidence of  
5 the property or matter seized. For the purposes of this  
6 section, a pending criminal proceeding shall mean any  
7 criminal investigation being conducted with the intention of  
8 using the seized subject matter in seeking an indictment or  
9 information or when an information has been issued or an  
10 indictment returned.

11           2. The motion to suppress shall be in writing. It  
12 shall be filed with the court in which there is pending  
13 against the moving party a criminal proceeding growing out  
14 of the subject matter of the seizure.

15           3. The motion shall be made before the commencement of  
16 the trial of the moving party on the charge arising out of  
17 the seizure unless he was unaware of the grounds or had no  
18 opportunity to do so before the trial. In that event the  
19 motion may be made during the trial. However, the trial  
20 judge may in his discretion entertain a motion any time  
21 during trial.



22           4. Notice shall be given to the prosecuting attorney  
23 of the date, time, place and nature of the hearing.

24           5. The motion to suppress may be based upon any one or  
25 more of the following grounds:

26           (1) That the search and seizure were made without  
27 warrant and without lawful authority;

28           (2) That the warrant was improper upon its face or was  
29 illegally issued, including the issuance of a warrant  
30 without proper showing of probable cause;

31           (3) That the property seized was not that described in  
32 the warrant and that the officer was not otherwise lawfully  
33 privileged to seize the same;

34           (4) That the warrant was illegally executed by the  
35 officer, **including that it was executed without the officer**  
36 **knocking and providing notice of his or her authority and**  
37 **purpose;**

38           (5) That in any other manner the search and seizure  
39 violated the rights of the movant under Section 15 of  
40 Article I of the Constitution of Missouri, or the fourth and  
41 fourteenth amendments of the Constitution of the United  
42 States.

43           6. The judge shall receive evidence on any issue of  
44 fact necessary to the decision of the motion. The burden of  
45 going forward with the evidence and the risk of  
46 nonpersuasion shall be upon the state to show by a  
47 preponderance of the evidence that the motion to suppress  
48 should be overruled.

49           7. If the motion is sustained, the judge shall order  
50 the property or matter delivered to the moving party, unless  
51 its retention is authorized or required by section 542.301,  
52 or by any other law of this state.

544.190. [If, after notice of the intention to arrest  
2 the defendant, he either flee or forcibly resist, the]

3 1. An officer [may use all necessary means] shall not  
4 use deadly force to effect [the] an arrest unless:

5 (1) A person is displaying aggravated aggressive  
6 resistance, thereby leading the officer to an objectively  
7 reasonable belief that the person poses an imminent threat  
8 of death or serious physical injury to the officer or  
9 others, or to prevent escape of a person whom the officer  
10 has reasonable grounds to believe committed or attempted to  
11 commit a violent felony where the officer has probable cause  
12 to believe that the suspect poses a threat of immediate,  
13 serious physical injury either to the officer or others; and

14 (2) The officer first used less intrusive or  
15 physically harmful methods to control the person and such  
16 methods were ineffective or the officer reasonably  
17 determines such methods would be ineffective.

18 2. (1) Officers shall receive training on  
19 opportunities to employ tactical retreat, withdrawal, and  
20 other de-escalation techniques to increase incident  
21 resolution options and enhance officer safety; and

22 (2) Law enforcement agencies shall publicly share use  
23 of force policies and report all instances of deadly force  
24 to the attorney general for annual publication.

25 3. (1) Prior to using force to effect an arrest,  
26 officers shall:

27 (a) Identify themselves as officers before using force  
28 whenever safely possible;

29 (b) Permit individuals the opportunity to submit to  
30 arrest before force is used whenever possible; and

31 (c) Communicate, when possible and appropriate, to the  
32 individual and other officers that the use of the weapon is

33 imminent in order to allow the individual an opportunity to  
34 comply; and

35 (2) In determining whether the use of force is  
36 necessary and reasonable to effect an arrest, an officer  
37 shall consider whether a person may be noncompliant due to a  
38 medical or mental health condition, mental health crisis,  
39 physical or hearing impairment, language barrier, or drug  
40 interaction. When noncompliance appears to be due to such a  
41 condition, an officer shall be trained and required to  
42 employ de-escalation tactics and techniques.

43 4. Use of force to effect an arrest shall be  
44 prohibited when:

45 (1) A person is restrained, such as when handcuffed or  
46 contained in a police vehicle;

47 (2) A person only verbally confronts an officer;

48 (3) Used as a retaliatory force against a person by an  
49 officer when use of such force is not reasonably necessary  
50 to effect the arrest;

51 (4) Used to punish a person for fleeing or otherwise  
52 resisting arrest;

53 (5) Used in response to an expression of criticism or  
54 disrespect for an officer or any other person;

55 (6) Used against a person who may be observing or  
56 recording officer behavior;

57 (7) Used to effect compliance with a command that is  
58 unlawful unless:

59 (a) Necessary to prevent imminent or ongoing injury to  
60 any person; or

61 (b) A person is refusing to get out of a law  
62 enforcement vehicle and reasonable attempts to gain  
63 voluntary compliance have failed, and a supervisor has  
64 approved the use of force to remove such person.

65           5. Immediately following any arrest which required use  
66 of force, an officer shall:

67           (1) Inspect the person for injury or complaints of  
68 pain resulting from the use of force;

69           (2) Render medical assistance, including emergency  
70 care, for any person who exhibits signs of physical  
71 distress, has sustained a visible injury, expresses a  
72 complaint of injury or continuing pain, or was rendered  
73 unconscious, including providing first aid until  
74 professional medical care providers arrive on the scene;

75           (3) Handcuff a person only when, based on the totality  
76 of the circumstances, the officer reasonably believes such  
77 person remains an imminent physical threat; and

78           (4) Ensure the person arrested is not restrained in a  
79 manner that compromises the ability for such person to  
80 breathe.

81           6. (1) If a person is killed or seriously injured by  
82 an officer during an arrest, the law enforcement agency  
83 shall provide the family of such person with all information  
84 the agency can reasonably share regarding the incident and  
85 information relating to available counseling services.

86           (2) The law enforcement agency may keep the family  
87 from the seriously injured or killed person as necessary to  
88 protect the integrity of the scene provided that the law  
89 enforcement agency gives the family the rationale for such  
90 exclusion.

91           (3) Family members shall not be restrained unless  
92 necessary to protect the integrity of the scene.

          544.200. To make an arrest in criminal actions, the  
2 officer may break open any outer or inner door or window of  
3 a dwelling house or other building, or any other enclosure,  
4 if, after notice of his office and purpose, he be refused

5 admittance. **Any search warrant issued by a judge and**  
6 **executed upon a premises that does not require those**  
7 **executing the warrant to knock may only be used with**  
8 **reasonable suspicion that the suspect of a violent felony**  
9 **offense will escape or cause bodily harm to others.**

563.031. 1. A person may, subject to the provisions  
2 of subsection 2 of this section, use physical force upon  
3 another person when and to the extent he or she reasonably  
4 believes such force to be necessary to defend himself or  
5 herself or a third person from what he or she reasonably  
6 believes to be the use or imminent use of unlawful force by  
7 such other person, unless:

8 (1) The actor was the initial aggressor; except that  
9 in such case his or her use of force is nevertheless  
10 justifiable provided:

11 (a) He or she has withdrawn from the encounter and  
12 effectively communicated such withdrawal to such other  
13 person but the latter persists in continuing the incident by  
14 the use or threatened use of unlawful force; or

15 (b) He or she is a law enforcement officer and as such  
16 is an aggressor pursuant to section 563.046; or

17 (c) The aggressor is justified under some other  
18 provision of this chapter or other provision of law;

19 (2) Under the circumstances as the actor reasonably  
20 believes them to be, the person whom he or she seeks to  
21 protect would not be justified in using such protective  
22 force;

23 (3) The actor was attempting to commit, committing, or  
24 escaping after the commission of a forcible felony.

25 2. A person shall not use deadly force upon another  
26 person under the circumstances specified in subsection 1 of  
27 this section unless:

28           (1) He or she reasonably believes that such deadly  
29 force is necessary to protect himself, or herself or her  
30 unborn child, or another against death, serious physical  
31 injury, or any forcible felony;

32           (2) Such force is used against a person who unlawfully  
33 enters, remains after unlawfully entering, or attempts to  
34 unlawfully enter a dwelling, residence, or vehicle lawfully  
35 occupied by such person; or

36           (3) Such force is used against a person who unlawfully  
37 enters, remains after unlawfully entering, or attempts to  
38 unlawfully enter private property that is owned or leased by  
39 an individual, or is occupied by an individual who has been  
40 given specific authority by the property owner to occupy the  
41 property, claiming a justification of using protective force  
42 under this section.

43           3. A person does not have a duty to retreat:

44           (1) From a dwelling, residence, or vehicle where the  
45 person is not unlawfully entering or unlawfully remaining;

46           (2) From private property that is owned or leased by  
47 such individual; or

48           (3) If the person is in any other location such person  
49 has the right to be.

50           4. The justification afforded by this section extends  
51 to the use of physical restraint as protective force  
52 provided that the actor takes all reasonable measures to  
53 terminate the restraint as soon as it is reasonable to do so.

54           **5. If an individual is justified in using physical**  
55 **force under this section, that individual also shall be**  
56 **justified in detaining the aggressor until the arrival of a**  
57 **law enforcement officer. However, if the aggressor flees,**  
58 **whether before or after being detained, the individual shall**  
59 **not be justified in pursuing the aggressor and shall be**

60 **denied the defense available in section 563.074 with respect**  
61 **to any force used against the aggressor during or after**  
62 **pursuit of such aggressor.**

63         6. The defendant shall have the burden of injecting  
64 the issue of justification under this section. If a  
65 defendant asserts that his or her use of force is described  
66 under subdivision (2) of subsection 2 of this section, the  
67 burden shall then be on the state to prove beyond a  
68 reasonable doubt that the defendant did not reasonably  
69 believe that the use of such force was necessary to defend  
70 against what he or she reasonably believed was the use or  
71 imminent use of unlawful force.

       563.041. 1. A person may, subject to the limitations  
2 of subsection 2, use physical force upon another person when  
3 and to the extent that he or she reasonably believes it  
4 necessary to prevent what he or she reasonably believes to  
5 be the commission or attempted commission by such person of  
6 stealing, property damage or tampering in any degree.

7         2. A person may use deadly force under circumstances  
8 described in subsection 1 only when such use of deadly force  
9 is authorized under other sections of this chapter.

10         3. The justification afforded by this section extends  
11 to the use of physical restraint as protective force  
12 provided that the actor takes all reasonable measures to  
13 terminate the restraint as soon as it is reasonable to do so.

14         4. An armed nuclear security guard may use the  
15 following levels of physical force against another person at  
16 a nuclear power plant or within a structure or fenced yard  
17 of a nuclear power plant if the armed nuclear security guard  
18 reasonably believes that such force is necessary:

19           (1) An armed nuclear security guard may use physical  
20 force, as he or she reasonably believes is immediately  
21 necessary, up to and including deadly physical force to:

22           (a) Prevent an action that would constitute murder in  
23 the first or second degree under section 565.020 or 565.021;

24           (b) Prevent an action that would constitute voluntary  
25 manslaughter under section 565.023;

26           (c) Prevent an action that would constitute assault in  
27 the first or second degree under section 565.050 or 565.052;  
28 or

29           (d) Defend himself, herself, or a third person from  
30 the use or imminent use of deadly physical force;

31           (2) An armed nuclear security guard may use physical  
32 force, as he or she reasonably believes is immediately  
33 necessary, up to but not including deadly physical force to  
34 prevent an action that would constitute:

35           (a) Assault in the third or fourth degree under  
36 section 565.054 or 565.056;

37           (b) Kidnapping in the first, second, or third degree  
38 under section 565.110, 565.120, or 565.130;

39           (c) Burglary in the first or second degree under  
40 section 569.160 or 569.170;

41           (d) Arson in the first, second, or third degree under  
42 section 569.040, 569.050, or 569.053;

43           (e) Property damage in the first degree under section  
44 569.100;

45           (f) Robbery in the first or second degree under  
46 section 570.023 or 570.025;

47           (g) Armed criminal action under section 571.015; or

48           (h) Trespass in the first degree under section 569.140;

49           (3) An armed nuclear security guard is justified in  
50 threatening to use physical force or deadly physical force



51 if and to the extent a reasonable armed nuclear security  
52 guard believes it necessary to protect himself, herself, or  
53 others against another person's potential use of physical  
54 force or deadly physical force.

55 5. Notwithstanding any provisions of section 563.016  
56 to the contrary, an armed nuclear security guard, employer  
57 of an armed nuclear security guard, or owner of a nuclear  
58 power plant shall not be subject to civil liability for  
59 conduct of an armed nuclear security guard that is permitted  
60 by this section.

61 6. **If an individual is justified in using physical**  
62 **force under this section, that individual also shall be**  
63 **justified in detaining the aggressor until the arrival of a**  
64 **law enforcement officer. However, if the aggressor flees,**  
65 **whether before or after being detained, the individual shall**  
66 **not be justified in pursuing the aggressor and shall be**  
67 **denied the defense available in section 563.074 with respect**  
68 **to any force used against the aggressor during or after**  
69 **pursuit of such aggressor.**

70 7. The defendant shall have the burden of injecting  
71 the issue of justification under this section.

563.046. 1. A law enforcement officer need not  
2 retreat or desist from efforts to effect the arrest, or from  
3 efforts to prevent the escape from custody, of a person he  
4 or she reasonably believes to have committed an offense  
5 because of resistance or threatened resistance of the  
6 arrestee. In addition to the use of physical force  
7 authorized under other sections of this chapter, a law  
8 enforcement officer is, subject to **section 544.190 and** the  
9 provisions of subsections 2 [and], 3, 4, and 5 of this  
10 **section,** justified in the use of such physical force as he

11 or she reasonably believes is immediately necessary to  
12 effect the arrest or to prevent the escape from custody.

13 2. The use of any physical force in making an arrest  
14 is not justified under this section unless the arrest is  
15 lawful or the law enforcement officer reasonably believes  
16 the arrest is lawful, and the amount of physical force used  
17 was objectively reasonable in light of the totality of the  
18 particular facts and circumstances confronting the officer  
19 on the scene, without regard to the officer's underlying  
20 intent or motivation.

21 3. **The use of a choke-hold in making an arrest is not**  
22 **justified under this section.**

23 4. In effecting an arrest or in preventing an escape  
24 from custody, a law enforcement officer is justified in  
25 using deadly force only **when the law enforcement officer**  
26 **reasonably believes, based on the totality of the**  
27 **circumstances, that such force is necessary:**

28 (1) [When deadly force is authorized under other  
29 sections of this chapter] **To protect the law enforcement**  
30 **officer or another from imminent death or great bodily harm;**  
31 or

32 (2) [When the officer reasonably believes that such  
33 use of deadly force is immediately necessary to effect the  
34 arrest or prevent an escape from custody and also reasonably  
35 believes that the person to be arrested:

36 (a) Has committed or attempted to commit a felony  
37 offense involving the infliction or threatened infliction of  
38 serious physical injury; or

39 (b) Is attempting to escape by use of a deadly weapon  
40 or dangerous instrument; or

41 (c) May otherwise endanger life or inflict serious  
42 physical injury to the officer or others unless arrested

43 without delay] To effect the arrest or capture of a person  
44 whom the law enforcement officer knows or has reasonable  
45 grounds to believe has committed or attempted to commit a  
46 felony offense involving the infliction or threatened  
47 infliction of serious physical injury and the officer  
48 reasonably believes that the person will cause death or  
49 great bodily harm to another person unless immediately  
50 apprehended.

51 5. A law enforcement officer shall not use deadly  
52 force against a person based on the danger the person poses  
53 to the law enforcement officer if an objectively reasonable  
54 law enforcement officer would believe the person does not  
55 pose an imminent threat of death or great bodily harm to the  
56 law enforcement officer or to another person.

57 [4.] 6. The defendant shall have the burden of  
58 injecting the issue of justification under this section.

59 7. A law enforcement officer shall have the duty at  
60 any scene where physical force is being applied to either  
61 stop, or attempt to stop, another officer when force is  
62 inappropriately applied or is no longer required.

63 8. (1) A law enforcement officer who purposefully  
64 allows a fellow officer to use inappropriate or excessive  
65 force, including the use of a choke-hold, may be prosecuted  
66 for failure to intervene.

67 (2) Such failure to intervene shall be a class E  
68 felony if it is proven the defendant officer was aware of  
69 the other officer's violation and chose not to intervene.

563.074. 1. Notwithstanding the provisions of section  
2 563.016, a person who uses force as described in sections  
3 563.031, 563.041, 563.046, 563.051, 563.056, and 563.061 is  
4 justified in using such force and such fact shall be an  
5 absolute defense to criminal prosecution or civil liability.

6           2. The court shall award attorney's fees, court costs,  
7 and all reasonable expenses incurred by the defendant in  
8 defense of any civil action brought by a plaintiff if the  
9 court finds that the defendant has an absolute defense as  
10 provided in [subsection 1 of this section] **sections 563.031,**  
11 **563.041, 563.051, 563.056, and 563.061.**

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 police officer and engages in sexual conduct**  
14 **with a detainee or prisoner who is in the custody of such**  
15 **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.

**574.055. 1. A law enforcement agency, when using**  
2 **chemical agents, shall:**

3           (1) Only use a chemical agent after a person has  
4 caused or attempted to cause serious physical injury to  
5 another person, and shall only use the chemical agent on  
6 that person;

7           (2) Provide a warning before deploying chemical agents  
8 by issuing at least one clearly audible and understandable  
9 warning with an amplification system or device prior to the  
10 use of such chemical agent and the warning shall state:

11           (a) Where chemical agents will be deployed;

12           (b) How much time individuals have to leave the area  
13 or stop the unlawful, violent behavior;

14           (c) What exit route a person may follow to leave the  
15 area; and

16           (d) Consequences of failing to comply; and

17           (3) Require law enforcement officers to wear badges  
18 affixed to a uniform or helmet in a manner that is visible  
19 to the public even if officers are wearing riot gear.

20           2. A law enforcement agency, when using chemical  
21 agents, shall not:

22           (1) Use chemical agents against individuals or groups  
23 who fail to disperse and have not caused or attempted to  
24 cause serious physical injury to another person;

25           (2) Use such agents on a person who is restrained;

26           (3) Block any route of egress prior to the deployment  
27 of a chemical agent;

28           (4) Prevent or retaliate against any person who  
29 lawfully exercises his or her right to witness, observe,  
30 record, livestream, or protest police activity; and

31           (5) Establish an emergency area or zone, by using a  
32 police line to encircle or substantially encircle, a  
33 demonstration, rally, parade, march, picket line, or other  
34 similar assembly conducted for the purpose of people  
35 expressing political, social, or religious views unless  
36 there is probable cause to believe that a significant number  
37 or percentage of people located in an area or zone have  
38 committed unlawful acts and law enforcement officers may  
39 lawfully arrest such people.

575.180. 1. A law enforcement officer commits the  
2 offense of failure to execute an arrest warrant if, with the  
3 purpose of allowing any person charged with or convicted of  
4 a crime to escape, he or she fails to execute any arrest  
5 warrant, capias, or other lawful process ordering  
6 apprehension or confinement of such person, which he or she  
7 is authorized and required by law to execute. **For purposes**  
8 **of this section, "escape" means to flee from; to avoid; to**  
9 **get away, as to flee to avoid arrest.**

10           2. The offense of failure to execute an arrest warrant  
11 is a class A misdemeanor, unless the offense involved is a  
12 felony, in which case failure to execute an arrest warrant  
13 is a class E felony.

14           3. It shall be an affirmative defense to prosecution  
15 under this section that the law enforcement officer acted  
16 under exigent circumstances in failing to execute an arrest  
17 warrant on a person who has committed a misdemeanor offense  
18 under chapter 301, 302, 304, or 307 or a misdemeanor traffic  
19 offense in another state; except that, the provisions of  
20 this subsection shall not apply to the following offenses:

21           (1) Failure to drive in a careful and prudent manner  
22 under section 304.012;

23           (2) Driving with a cancelled, suspended, or revoked  
24 license under section 302.321;

25           (3) Operating a motor vehicle without a proper license  
26 under section 302.020; or

27           (4) Any offense committed in another state that is  
28 comparable to the offenses listed under subdivisions (1),  
29 (2), and (3) of this subsection.

          590.010. As used in this chapter, the following terms  
2 mean:

3           (1) "Choke-hold", the use of any body part or object  
4 to attempt to control or disable by applying pressure to the  
5 person's neck with the purpose, intent, or effect of  
6 controlling or restricting the person's breathing;

7           (2) "Commission", when not obviously referring to the  
8 POST commission, means a grant of authority to act as a  
9 peace officer;

10           [(2)] (3) "Director", the director of the Missouri  
11 department of public safety or his or her designated agent  
12 or representative;

13           [(3)] (4) "Peace officer", a law enforcement officer  
14 of the state or any political subdivision of the state with  
15 the power of arrest for a violation of the criminal code or  
16 declared or deemed to be a peace officer by state statute;

17            [(4)] (5) "POST commission", the peace officer  
18 standards and training commission;

19            [(5)] (6) "Reserve peace officer", a peace officer who  
20 regularly works less than thirty hours per week;

21            [(6)] (7) "School protection officer", an elementary  
22 or secondary school teacher or administrator who has been  
23 designated as a school protection officer by a school  
24 district;

25            (8) "Security guard", any person who is paid to  
26 protect the person or property of another, but shall not  
27 include law enforcement officers or any other public  
28 official or employee.

          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 review the basic training**  
6 **materials, licenses of law enforcement basic training**  
7 **centers, and basic training instructors of the POST**  
8 **commission. Such training materials shall require de-**  
9 **escalation training for peace officers and training on**  
10 **community policing practices. The director shall establish**  
11 **standards regarding de-escalation training and training on**  
12 **community policing practices. The director shall conduct an**  
13 **initial review by December 31, 2021. The director shall**  
14 **establish a review schedule on a three year rotational basis.**

15            3. The director shall establish minimum age,  
16 citizenship, and general education requirements and may  
17 require a qualifying score on a certification examination as  
18 conditions of eligibility for a peace officer license. Such  
19 general education requirements shall require completion of a  
20 high school program of education under chapter 167 or



21 obtainment of a General Educational Development (GED)  
22 certificate.

23 [3.] 4. The director shall provide for the licensure,  
24 with or without additional basic training, of peace officers  
25 possessing credentials by other states or jurisdictions,  
26 including federal and military law enforcement officers.

27 [4.] 5. The director shall establish a procedure for  
28 obtaining a peace officer license and shall issue the proper  
29 license when the requirements of this chapter have been met.

30 [5.] 6. As conditions of licensure, all licensed peace  
31 officers shall:

32 (1) Obtain continuing law enforcement education  
33 pursuant to rules to be promulgated by the POST commission;  
34 and

35 (2) Maintain a current address of record on file with  
36 the director.

37 [6.] 7. A peace officer license shall automatically  
38 expire if the licensee fails to hold a commission as a peace  
39 officer for a period of five consecutive years, provided  
40 that the POST commission shall provide for the relicensure  
41 of such persons and may require retraining as a condition of  
42 eligibility for relicensure, and provided that the director  
43 may provide for the continuing licensure, subject to  
44 restrictions, of persons who hold and exercise a law  
45 enforcement commission requiring a peace officer license but  
46 not meeting the definition of a peace officer pursuant to  
47 this chapter.

590.040. 1. The POST commission shall set the minimum  
2 number of hours of basic training for licensure as a peace  
3 officer no lower than four hundred seventy and no higher  
4 than six hundred, with the following exceptions:

5           (1) Up to one thousand hours may be mandated for any  
6 class of license required for commission by a state law  
7 enforcement agency;

8           (2) As few as one hundred twenty hours may be mandated  
9 for any class of license restricted to commission as a  
10 reserve peace officer with police powers limited to the  
11 commissioning political subdivision;

12           (3) Persons validly licensed on August 28, 2001, may  
13 retain licensure without additional basic training;

14           (4) Persons licensed and commissioned within a county  
15 of the third classification before July 1, 2002, may retain  
16 licensure with one hundred twenty hours of basic training if  
17 the commissioning political subdivision has adopted an order  
18 or ordinance to that effect;

19           (5) Persons serving as a reserve officer on August 27,  
20 2001, within a county of the first classification or a  
21 county with a charter form of government and with more than  
22 one million inhabitants on August 27, 2001, having  
23 previously completed a minimum of one hundred sixty hours of  
24 training, shall be granted a license necessary to function  
25 as a reserve peace officer only within such county. For the  
26 purposes of this subdivision, the term "reserve officer"  
27 shall mean any person who serves in a less than full-time  
28 law enforcement capacity, with or without pay and who,  
29 without certification, has no power of arrest and who,  
30 without certification, must be under the direct and  
31 immediate accompaniment of a certified peace officer of the  
32 same agency at all times while on duty; and

33           (6) The POST commission shall provide for the  
34 recognition of basic training received at law enforcement  
35 training centers of other states, the military, the federal  
36 government and territories of the United States regardless

37 of the number of hours included in such training and shall  
38 have authority to require supplemental training as a  
39 condition of eligibility for licensure.

40 2. The director shall have the authority to limit any  
41 exception provided in subsection 1 of this section to  
42 persons remaining in the same commission or transferring to  
43 a commission in a similar jurisdiction.

44 3. The basic training of every peace officer, except  
45 agents of the conservation commission, shall include at  
46 least thirty hours of training in the investigation and  
47 management of cases involving domestic and family violence.  
48 Such training shall include instruction, specific to  
49 domestic and family violence cases, regarding: report  
50 writing; physical abuse, sexual abuse, child fatalities and  
51 child neglect; interviewing children and alleged  
52 perpetrators; the nature, extent and causes of domestic and  
53 family violence; the safety of victims, other family and  
54 household members and investigating officers; legal rights  
55 and remedies available to victims, including rights to  
56 compensation and the enforcement of civil and criminal  
57 remedies; services available to victims and their children;  
58 the effects of cultural, racial and gender bias in law  
59 enforcement; and state statutes. Said curriculum shall be  
60 developed and presented in consultation with the department  
61 of health and senior services, the children's division,  
62 public and private providers of programs for victims of  
63 domestic and family violence, persons who have demonstrated  
64 expertise in training and education concerning domestic and  
65 family violence, and the Missouri coalition against domestic  
66 violence.

67 **4. The basic training of every peace officer, except**  
68 **agents of the conservation commission, shall require**

69 certification in de-escalation training and use of body-worn  
70 cameras by peace officers.

71 5. The basic training of every peace officer, except  
72 agents of the conservation commission, shall prohibit the  
73 use of maneuvers that restrict oxygen flow to the brain, or  
74 prevent or hinder breathing or reduces the intake of air,  
75 such as knee-holds, choke-holds, or similar acts of applying  
76 force or pressure against the trachea or windpipe unless  
77 deadly force is lawful.

590.080. 1. The director shall have cause to  
2 discipline any peace officer licensee who:

3 (1) Is unable to perform the functions of a peace  
4 officer with reasonable competency or reasonable safety as a  
5 result of a mental condition, including alcohol or substance  
6 abuse;

7 (2) Has committed any criminal offense, whether or not  
8 a criminal charge has been filed;

9 (3) **Has applied a choke-hold restraint within the**  
10 **meaning of this chapter in the course of his or her duties**  
11 **as a peace officer, whether or not the application of the**  
12 **choke-hold restraint resulted in serious injury or death and**  
13 **whether or not the licensee is criminally prosecuted;**

14 (4) Has committed any act while on active duty or  
15 under color of law that involves moral turpitude or a  
16 reckless disregard for the safety of the public or any  
17 person;

18 [(4)] (5) Has caused a material fact to be  
19 misrepresented for the purpose of obtaining or retaining a  
20 peace officer commission or any license issued pursuant to  
21 this chapter;

22 [(5)] (6) Has violated a condition of any order of  
23 probation lawfully issued by the director; or

24            [(6)] (7) Has violated a provision of this chapter or  
25 a rule promulgated pursuant to this chapter.

26            2. When the director has knowledge of cause to  
27 discipline a peace officer license pursuant to this section,  
28 the director may cause a complaint to be filed with the  
29 administrative hearing commission, which shall conduct a  
30 hearing to determine whether the director has cause for  
31 discipline, and which shall issue findings of fact and  
32 conclusions of law on the matter. The administrative  
33 hearing commission shall not consider the relative severity  
34 of the cause for discipline or any rehabilitation of the  
35 licensee or otherwise impinge upon the discretion of the  
36 director to determine appropriate discipline when cause  
37 exists pursuant to this section.

38            3. Upon a finding by the administrative hearing  
39 commission that cause to discipline exists, the director  
40 shall, within thirty days, hold a hearing to determine the  
41 form of discipline to be imposed and thereafter shall  
42 probate, suspend, or permanently revoke the license at  
43 issue. If the licensee fails to appear at the director's  
44 hearing, this shall constitute a waiver of the right to such  
45 hearing. **The director shall produce an annual public report**  
46 **including a list of officers from each law enforcement**  
47 **agency whose licenses are on probation, suspended, or**  
48 **revoked and post such report on the department's website.**

49            4. Notice of any hearing pursuant to this chapter or  
50 section may be made by certified mail to the licensee's  
51 address of record pursuant to subdivision (2) of subsection  
52 3 of section 590.130. Proof of refusal of the licensee to  
53 accept delivery or the inability of postal authorities to  
54 deliver such certified mail shall be evidence that required  
55 notice has been given. Notice may be given by publication.

56           5. Nothing contained in this section shall prevent a  
57 licensee from informally disposing of a cause for discipline  
58 with the consent of the director by voluntarily surrendering  
59 a license or by voluntarily submitting to discipline.

60           6. The provisions of chapter 621 and any amendments  
61 thereto, except those provisions or amendments that are in  
62 conflict with this chapter, shall apply to and govern the  
63 proceedings of the administrative hearing commission and  
64 pursuant to this section the rights and duties of the  
65 parties involved.

          590.180. 1. [No arrest shall be deemed unlawful  
2 solely because of the licensure status of a peace officer,  
3 and evidence on the question cannot be received in any civil  
4 or criminal case.

5           2.] The name, licensure status, and commissioning or  
6 employing law enforcement agency, if any, of applicants and  
7 licensees pursuant to this chapter shall be an open record.  
8 All other records retained by the director pertaining to any  
9 applicant or licensee shall be confidential and shall not be  
10 disclosed to the public or any member of the public, except  
11 with written consent of the person or entity whose records  
12 are involved, provided, however, that the director may  
13 disclose such information in the course of voluntary  
14 interstate exchange of information, during the course of  
15 litigation involving the director, to other state agencies,  
16 or, upon a final determination of cause to discipline, to  
17 law enforcement agencies. No closed record conveyed to the  
18 director pursuant to this chapter shall lose its status as a  
19 closed record solely because it is retained by the  
20 director. Nothing in this section shall be used to compel  
21 the director to disclose any record subject to attorney-  
22 client privilege or work-product privilege.

23           [3.] 2. In any investigation, hearing, or other  
24 proceeding pursuant to this chapter, any record relating to  
25 any applicant or licensee shall be discoverable by the  
26 director and shall be admissible into evidence, regardless  
27 of any statutory or common law privilege or the status of  
28 any record as open or closed, including records in criminal  
29 cases whether or not a sentence has been imposed. No person  
30 or entity shall withhold records or testimony bearing upon  
31 the fitness to be commissioned as a peace officer of any  
32 applicant or licensee on the ground of any privilege  
33 involving the applicant or licensee, with the exception of  
34 attorney-client privilege.

35           [4.] 3. Any person or entity submitting information to  
36 the director pursuant to this chapter and doing so in good  
37 faith and without negligence shall be immune from all  
38 criminal and civil liability arising from the submission of  
39 such information and no cause of action of any nature shall  
40 arise against such person.

41           [5.] 4. No person shall make any unauthorized use of  
42 any testing materials or certification examination  
43 administered pursuant to subsection 2 of section 590.030.

          590.195. 1. A person commits a class B misdemeanor  
2 if, in violation of this chapter, such person knowingly:

3           (1) Holds a commission as a peace officer without a  
4 peace officer license valid for such commission; or

5           (2) Grants or continues the commission of a peace  
6 officer not validly licensed for such commission.

7           2. Any person who purposely violates any other  
8 provision of this chapter shall be guilty of a class B  
9 misdemeanor.

10           3. Any law enforcement agency that commissions a peace  
11 officer in violation of this chapter or that is otherwise in

12 violation of any provision of this chapter shall not be  
13 eligible to receive state or federal funds that would  
14 otherwise be paid to it for the purpose of training and  
15 licensing peace officers or for any other law enforcement,  
16 safety, or criminal justice purpose **and shall be subject to**  
17 **a fine of one thousand dollars each day the agency knowingly**  
18 **commissions a peace officer in violation of this chapter to**  
19 **serve.**

590.230. 1. A law enforcement agency shall not  
2 receive the following property from a military equipment  
3 surplus program operated by the federal government:

- 4 (1) Drones that are armored, weaponized, or both;
- 5 (2) Aircraft that are combat configured or combat  
6 coded;
- 7 (3) Grenades or similar explosives and grenade  
8 launchers;
- 9 (4) Firearm or weapon silencers; or
- 10 (5) Militarized armored vehicles.

11 2. If a law enforcement agency purchases property from  
12 a military equipment surplus program operated by the federal  
13 government, the law enforcement agency may only use state or  
14 local funds for the purchase. Funds obtained from the  
15 federal government shall not be used to purchase property  
16 from a military equipment surplus program.

17 3. If a law enforcement agency requests property from  
18 a military equipment surplus program, the law enforcement  
19 agency shall publish a notice of the request on a publicly  
20 accessible website within fourteen days after the request.

590.510. 1. Every law enforcement agency in this  
2 state shall have a written policy regarding the  
3 investigation of an officer-involved death that involves a



4 law enforcement officer employed by the law enforcement  
5 agency. Such written policy shall:

6 (1) Require an investigation conducted by at least two  
7 investigators, one of whom is the lead investigator and  
8 neither of whom is employed by a law enforcement agency that  
9 employs a law enforcement officer involved in the officer-  
10 involved death;

11 (2) Require the investigation to use a crash  
12 reconstruction unit from a law enforcement agency that does  
13 not employ a law enforcement officer involved in the officer-  
14 involved death being investigated if the death is traffic  
15 related. However, any state law enforcement agency may  
16 allow an investigation involving a law enforcement officer  
17 employed by that agency to use a crash reconstruction unit  
18 from the same state law enforcement agency; and

19 (3) Allow an internal investigation into the officer-  
20 involved death if the internal investigation does not  
21 interfere with the investigation required under this section.

22 2. Compensation for participation in an investigation  
23 under this section shall be determined in a manner  
24 consistent with mutual aid agreements.

25 3. The investigators conducting an investigation under  
26 this section shall provide a complete report, in an  
27 expeditious manner, to the prosecutor of the county or city  
28 not within a county in which the officer-involved death  
29 occurred. If the prosecutor determines there is no basis to  
30 prosecute the law enforcement officer involved in the  
31 officer-involved death, the investigators conducting the  
32 investigation under this section shall release a report of  
33 their findings.

34 4. As used in this section, the term "officer-involved  
35 death" shall mean a death of an individual that results

36 directly from an action or an omission of a law enforcement  
37 officer while the officer is on duty or while the officer is  
38 off duty but performing activities that are within the scope  
39 of his or her law enforcement duties.

590.520. 1. For purposes of this section, "serious  
2 misconduct" means improper or illegal actions taken by a law  
3 enforcement officer in connection with the officer's  
4 official duties including, but not limited to, a conviction  
5 for a felony, fabrication of evidence, repeated use of  
6 excessive force, acceptance of a bribe, or the commission of  
7 fraud.

8 2. Before beginning employment with a law enforcement  
9 agency in this state, a law enforcement officer who has been  
10 certified in another state shall submit a preliminary  
11 application for certification through examination by the  
12 agency.

13 3. The application shall be under oath and shall  
14 require the law enforcement officer to provide any  
15 information determined to be necessary by the agency,  
16 including but not limited to, an attestation by the law  
17 enforcement officer of any of the following:

18 (1) Whether the officer has pled guilty to or been  
19 convicted of a felony;

20 (2) Whether the officer has been discharged for  
21 serious misconduct from employment as a law enforcement  
22 officer;

23 (3) Whether the officer's certification as a law  
24 enforcement officer has been revoked or suspended in another  
25 state; and

26 (4) Whether the officer resigned or has been laid off  
27 when the officer knew or had reason to believe that a  
28 disciplinary investigation or action was imminent or pending

29 which could have resulted in the officer being discharged  
30 for serious misconduct.

31 4. A law enforcement agency shall deny a preliminary  
32 application upon a finding that a law enforcement officer  
33 has done any of the following:

34 (1) Pled guilty to or been convicted of a felony;

35 (2) Has had his or her certification as a law  
36 enforcement officer revoked in another state;

37 (3) Been discharged for serious misconduct from  
38 employment as a law enforcement officer; or

39 (4) Resigned or been laid off when a disciplinary  
40 investigation or action was imminent or pending which could  
41 have resulted in the officer being discharged for serious  
42 misconduct.

43 5. If a law enforcement agency denies a preliminary  
44 application for certification, the officer shall be  
45 prohibited from employment as a law enforcement officer in  
46 this state.

590.651. All law enforcement agencies shall prohibit  
2 the use of a choke-hold. The use of choke-holds shall be  
3 defined as deadly force pursuant to section 563.011 and  
4 shall be reported to the attorney general for publication.

590.652. Law enforcement agencies shall adopt the  
2 following requirements regarding weapons and the use of  
3 force by officers:

4 (1) Each law enforcement agency shall ensure that only  
5 officers who have successfully completed approved training  
6 and who are currently certified under this chapter may carry  
7 and use firearms;

8 (2) Law enforcement officers must complete approved  
9 training for use of firearms once per year;

10           (3) Law enforcement officers who fail to complete  
11 approved training shall immediately relinquish all  
12 department-issued firearms;

13           (4) Law enforcement officers who fail to complete  
14 remedial training within a reasonable time shall be subject  
15 to disciplinary action, which may include termination of  
16 employment;

17           (5) Any law enforcement agency found to permit law  
18 enforcement officers to carry an unauthorized firearm shall  
19 receive a warning for the first offense and a fine of up to  
20 five thousand dollars for each subsequent offense;

21           (6) Each law enforcement agency shall require officers  
22 to report a reasonable justification for each shot fired as  
23 a separate incident of use of force.

          590.654. 1. Any peace officer or security guard,  
2 while in the performance of his or her official duties, who  
3 uses a choke-hold and causes death to another person in  
4 circumstances in which a reasonable person would believe the  
5 use of deadly force is not justified shall be guilty of the  
6 offense of aggravated strangulation in the first degree.  
7 Such offense shall be a class A felony.

8           2. Any peace officer who is found guilty or has  
9 entered a plea of guilty or nolo contendere under this  
10 section shall be referred for disciplinary action pursuant  
11 to section 590.080.

          590.655. 1. Any peace officer or security guard,  
2 while in the performance of his or her official duties, who  
3 uses a choke-hold and causes serious physical injury to  
4 another person in circumstances in which a reasonable person  
5 would believe physical force is not justified shall be  
6 guilty of the offense of aggravated strangulation in the  
7 second degree. Such offense shall be a class B felony.

8           2. Any peace officer who is found guilty or has  
9 entered a plea of guilty or nolo contendere under this  
10 section shall be referred for disciplinary action pursuant  
11 to section 590.080.

          590.656. 1. Each state and local law enforcement  
2 agency shall send a report of all complaints alleging  
3 excessive use of force to the attorney general. The report  
4 shall include a breakdown of which complaints were verified,  
5 found to be unfounded, remain active, and what steps were  
6 taken to address verified complaints. The report of  
7 complaints shall include the age, gender, and race or  
8 minority group of the individual alleging the complaint.

          2. Each state and local law enforcement agency shall  
9 send a report to the attorney general of all instances of  
10 deadly force by law enforcement officers pursuant to section  
11 544.190.  
12

          [563.051. 1. A private person who has  
2 been directed by a person he or she reasonably  
3 believes to be a law enforcement officer to  
4 assist such officer to effect an arrest or to  
5 prevent escape from custody may, subject to the  
6 limitations of subsection 3 of this section, use  
7 physical force when and to the extent that he or  
8 she reasonably believes such to be necessary to  
9 carry out such officer's direction unless he or  
10 she knows or believes that the arrest or  
11 prospective arrest is not or was not authorized.

          2. A private person acting on his or her  
13 own account may, subject to the limitations of  
14 subsection 3 of this section, use physical force  
15 to arrest or prevent the escape of a person whom  
16 such private person reasonably believes has  
17 committed an offense, and who in fact has  
18 committed such offense, when the private  
19 person's actions are immediately necessary to  
20 arrest the offender or prevent his or her escape  
21 from custody.

          3. A private person in effecting an arrest  
23 or in preventing escape from custody is  
24 justified in using deadly force only:

25           (1) When deadly force is authorized under  
26 other sections of this chapter; or

27           (2) When he or she reasonably believes  
28 deadly force is authorized under the

29 circumstances and he or she is directed or  
30 authorized by a law enforcement officer to use  
31 deadly force; or

32 (3) When he or she reasonably believes  
33 such use of deadly force is immediately  
34 necessary to arrest a person who at that time  
35 and in his or her presence:

36 (a) Committed or attempted to commit a  
37 class A felony or murder; or

38 (b) Is attempting to escape by use of a  
39 deadly weapon.

40 4. The defendant shall have the burden of  
41 injecting the issue of justification under this  
42 section.]

✓