

FIRST REGULAR SESSION

# HOUSE BILL NO. 1171

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAY.

1866H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 590, RSMo, by adding thereto two new sections relating to the investigation of deaths involving a law enforcement officer.

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

Section A. Chapter 590, RSMo, is amended by adding thereto two new sections, to be known as sections 590.658 and 590.670, to read as follows:

**590.658. 1. There is hereby created a board for review of officer-involved deaths.**

**The board shall be composed of six members as follows:**

**(1) One retired judge;**

**(2) A former sheriff, chief of police, deputy sheriff, or deputy chief of police;**

**(3) An assistant attorney general;**

**(4) A professor or researcher affiliated with a Missouri university or college who has expertise in the field of criminal law or criminal justice;**

**(5) A licensed attorney with experience in criminal defense who is in no way involved in prosecuting crimes; and**

**(6) A former prosecuting attorney or assistant prosecuting attorney who served in that capacity for at least ten years.**

**2. The members shall be appointed by the attorney general. The initial members shall be appointed to the following terms:**

**(1) Two members, as determined by the attorney general, for a term that expires on the May first occurring at least two years after the initial appointment;**

**(2) Two members, as determined by the attorney general, for a term that expires on the May first occurring at least three years after the initial appointment; and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18           **(3) The remaining initial members and all other members appointed thereafter**  
19 **shall be appointed for four-year terms.**

20           **3. The board shall meet as necessary to perform its duties under section 590.670.**

**590.670. 1. Each law enforcement agency shall have a written policy regarding the**  
2 **handling of deaths involving a law enforcement officer employed by the agency. Each**  
3 **policy shall be subject to review and approval by the department of public safety's peace**  
4 **officer standards and training commission.**

5           **2. (1) Each agency's written policy shall require utilization of a team of**  
6 **investigators consisting of at least three individuals, including individuals from at least two**  
7 **different law enforcement agencies that do not employ any law enforcement officers**  
8 **involved in the death being investigated.**

9           **(2) If the death being investigated is traffic related, the**  
10 **agency's written policy shall require the investigative team to use a crash reconstruction**  
11 **unit from an agency that does not employ any law enforcement officers involved in the**  
12 **death being investigated. The policy shall give preference to using a unit from the Missouri**  
13 **state highway patrol.**

14           **(3) Each agency's written policy may allow an internal investigation into the death**  
15 **if the internal investigation does not interfere with the duties of the team of investigators**  
16 **under subdivision (1) of this subsection.**

17           **(4) Each agency's written policy shall require any officer involved in a death to**  
18 **submit a blood sample. No person shall perform any analysis or test on the blood sample**  
19 **without either the permission of the officer who submitted the sample or a search warrant.**  
20 **At the conclusion of the investigation of the death, the sample may be destroyed upon court**  
21 **approval.**

22           **3. Compensation for participation on a team under subsection 2 of this section shall**  
23 **be determined in a manner consistent with mutual-aid agreements under section 44.090.**

24           **4. (1) An investigative team created under subdivision (1) of subsection 2 of this**  
25 **section shall consult with and report to the prosecuting attorney of the county in which the**  
26 **death occurred. Except as provided in this subsection, the team shall keep confidential any**  
27 **material and information related to the death and the investigation.**

28           **(2) The prosecuting attorney shall release the results of any report made under**  
29 **subdivision (1) of this subsection to the board for review of officer-involved deaths created**  
30 **under section 590.670.**

31           **(3) An investigative team created under subdivision (1) of subsection 2 of this**  
32 **section shall respond to requests under subsection 5 of this section from the board for**  
33 **review of officer-involved deaths unless the prosecuting attorney restricts the team from**

34 a response due to a court order or because a response could jeopardize the prosecution or  
35 investigation of an open case.

36       **5. (1) When the board for review of officer-involved deaths receives results from**  
37 **a report under subdivision (2) of subsection 4 of this section, it shall review the report and**  
38 **evidence to determine if it addresses all aspects of the death. The board for review of**  
39 **officer-involved deaths may request more information, clarification, or testimony from the**  
40 **investigative team that prepared the report.**

41       **(2) When the board for review of officer-involved deaths finishes its review of the**  
42 **report, it may make recommendations to the prosecuting attorney of the county in which**  
43 **the death occurred and forward the report to any person responsible for disciplining an**  
44 **officer involved.**

45       **(3) Meetings of the board for review of officer-involved deaths are open to the**  
46 **public, but public comment is closed unless the majority of the board votes to allow public**  
47 **comment.**

48       **6. When the board for review of officer-involved deaths completes its review of a**  
49 **report under subsection 5 of this section, the attorney general shall release the report and**  
50 **any accompanying written files unless the information is required to be kept confidential**  
51 **under state law.**

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