

FIRST REGULAR SESSION

HOUSE BILL NO. 1256

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

2185H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to investigations of officer-involved shootings.

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
2 known as section 590.1035, to read as follows:

590.1035. 1. For purposes of this section, the following terms mean:

2 **(1) "Critical injury", an injury that is reasonably likely to result in the death of**
3 **the injured person;**

4 **(2) "Law enforcement officer", a POST-certified law enforcement officer who**
5 **has the power of arrest and is employed by any law enforcement agency in this state;**

6 **(3) "Officer-involved shooting", the shooting of a person:**

7 **(a) By a law enforcement officer while the law enforcement officer is on duty or**
8 **while the law enforcement officer is off duty but performing activities that are within**
9 **the scope of the officer's law enforcement duties; and**

10 **(b) That results in the death or critical injury of the person.**

11 **2. Beginning January 1, 2024, whenever an officer-involved shooting occurs in a**
12 **city not within a county or in a county with more than one million inhabitants, the law**
13 **enforcement agency with jurisdiction over the shooting shall immediately notify the**
14 **attorney general. Upon such notification, the attorney general shall appoint a law**
15 **enforcement agency located within one hundred miles of the jurisdiction in which the**
16 **shooting occurred to conduct a special investigation of the officer-involved shooting.**
17 **The law enforcement agency with jurisdiction over the scene of the shooting shall secure**

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 the scene of the shooting until the arrival of investigators from the law enforcement
19 agency appointed to conduct the special investigation.

20 **3. At the conclusion of its investigation under subsection 2 of this section, the law**
21 **enforcement agency conducting the special investigation shall provide a complete report**
22 **of its findings to the attorney general and to the law enforcement agency with**
23 **jurisdiction over the scene of the shooting. The report shall include a recommendation**
24 **to the circuit attorney or to the prosecutor of the county where the officer-involved**
25 **shooting occurred as to whether the law enforcement officer should be charged with a**
26 **crime due to his or her involvement in the shooting. If the attorney general determines**
27 **there is no basis to prosecute the law enforcement officer involved in the shooting, the**
28 **attorney general shall prepare and publicly disclose a report explaining the reasons for**
29 **such determination. The report shall contain, at a minimum, the following:**

30 **(1) A brief statement of facts;**

31 **(2) A description of the witnesses interviewed;**

32 **(3) The reason for the officer's initial interaction with the person who was shot;**

33 **(4) The extent to which any suspects, witnesses, or persons of interest were**
34 **detained during the investigation and on what grounds each person was detained;**

35 **(5) A description of any acts of aggression committed by any party to the**
36 **shooting;**

37 **(6) Whether the person shot was armed;**

38 **(7) The legal justification for the shooting, including whether the officer acted in**
39 **self-defense; and**

40 **(8) Any other appropriate information from the investigative file, as determined**
41 **by the attorney general.**

42 **4. The law enforcement agency that employs the officer involved in the shooting**
43 **may conduct a separate internal investigation into the shooting; provided, however, that**
44 **the internal investigation shall not be in lieu of or interfere with the investigation**
45 **conducted under subsection 2 of this section.**

46 **5. The local law enforcement agency with jurisdiction over the shooting shall**
47 **reimburse the law enforcement agency that conducted the special investigation for any**
48 **expenses incurred by such law enforcement agency in investigating incidents under**
49 **subsection 2 of this section.**

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