

SECOND REGULAR SESSION

HOUSE BILL NO. 1492

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON GRAY.

4391H.011

D. ADAM CRUMBLISS, 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 590.655 and 590.656, to read as follows:

590.655. 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) One former sheriff, chief of police, deputy sheriff, or deputy chief of police;

(3) One assistant attorney general;

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

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

(6) One 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 at least three years after the initial appointment.

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.

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19 **The last two initial members and all other members appointed thereafter shall be**
20 **appointed for four-year terms.**

21 **3. Members of the board shall meet as necessary to perform its duties under section**
22 **590.656.**

590.656. 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 is subject to review and approval of the department of public safety's peace officer**
4 **standards and training commission.**

5 **2. (1) Each policy under subsection 1 of this section shall require 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 a law enforcement officer involved**
8 **in the death being investigated.**

9 **(2) If the death being investigated is traffic related, the policy under subsection 1**
10 **of this section shall require the investigative team to use a crash reconstruction unit from**
11 **an agency that does not employ a law enforcement officer involved in the death being**
12 **investigated. The policy shall give preference to using a unit from the state highway patrol.**

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

16 **(4) Each policy under subsection 1 of this section shall require any officer involved**
17 **in the death to submit a blood sample. No person shall perform any analysis or test on the**
18 **blood sample without either the permission of the officer who submitted the sample or a**
19 **search warrant. At the conclusion of the investigation of the death, the sample may be**
20 **destroyed if a court approves.**

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

23 **4. (1) A team created under subdivision (1) of subsection 2 of this section shall**
24 **consult and report to the prosecuting attorney in the county where the death occurred.**
25 **Except as provided in this subsection, the team shall keep confidential any material and**
26 **information related to the death and the investigation.**

27 **(2) When a report under subdivision (1) of this subsection is complete, the**
28 **prosecuting attorney shall release the report to the board for review of officer-involved**
29 **deaths created under section 590.655.**

30 **(3) A team created under subdivision (1) of subsection 2 of this section shall**
31 **respond to requests under subsection 5 of this section from the board for review of officer-**

32 involved deaths unless the prosecuting attorney restricts the team from a response due to
33 a court order or because a response could jeopardize the prosecution or investigation of
34 an open case.

35 **5. (1) When the board for review of officer-involved deaths receives a report under**
36 **subdivision (2) of subsection 4 of this section, it shall review the report and evidence to**
37 **determine if it addresses all aspects of the death. The board for review of officer-involved**
38 **deaths may request more information, clarification, or testimony from the investigative**
39 **team that prepared the report.**

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

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

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

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