

SECOND REGULAR SESSION

# HOUSE BILL NO. 2270

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ALDRIDGE.

4592H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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*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, 2023, 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 criminally or is a defendant to a civil suit arising from the use of force;**

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.

16           **(d) The type of force used, the severity and nature of the injury, whether the**  
17 **peace officer suffered physical injury, and the severity and nature of the peace officer's**  
18 **injury;**

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

20           **(f) Whether a peace officer unholstered a weapon during the incident;**

21           **(g) Whether a peace officer discharged a firearm during the incident;**

22           **(h) Whether the use of force resulted in a law enforcement agency investigation**  
23 **and, if so, the result of the investigation; and**

24           **(i) Whether the use of force resulted in a citizen complaint and the resolution of**  
25 **that complaint;**

26           **(2) All instances in which a peace officer resigned while under investigation for**  
27 **violating department policy;**

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

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

33           **(b) Whether the contact was a traffic stop;**

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

35           **(d) The duration of the contact;**

36           **(e) The reason for the contact;**

37           **(f) The suspected offense;**

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

39           **a. No action, warning, citation, property seizure, or arrest;**

40           **b. If a warning or citation was issued, the warning provided or violation cited;**

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

42           **d. If the contact was a traffic stop, the information collected, which is limited to**  
43 **the driver;**

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

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

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

50           **c. The peace officer seized any property and, if so, the type of property that was**  
51 **seized and the basis for seizing the property;**

52           **d. A peace officer unholstered a weapon during the contact; and**

- 53 e. A peace officer discharged a firearm during the contact; and  
54 (4) All instances of unannounced entry into a residence with or without a  
55 warrant, including:  
56 (a) The date, time, and location of the use of unannounced entry;  
57 (b) The perceived race, ethnicity, sex, and approximate age of the subject of the  
58 unannounced entry, provided that the identification of these characteristics is based on  
59 the observation and perception of the peace officer making the entry and other available  
60 data;  
61 (c) Whether a peace officer unholstered a weapon during the unannounced  
62 entry; and  
63 (d) Whether a peace officer discharged a firearm during the unannounced entry.
- 64 2. Notwithstanding any provision of law to the contrary, the data reported under  
65 this section shall be made available to the public on the database established under  
66 subsection 3 of this section. The Missouri state highway patrol and local law  
67 enforcement agencies shall not report the name, address, Social Security number, or  
68 other unique personal identifying information of the subject of the use of force; victim of  
69 the official misconduct; or persons contacted, searched, or subjected to a property  
70 seizure.
- 71 3. The office of the attorney general shall maintain a statewide database with  
72 data collected pursuant to this section, in a searchable format, and publish the database  
73 on its website. The database shall be made available to the public no later than January  
74 1, 2023. The database shall include a law enforcement identification system to track  
75 peace officer complaints from one agency to another. The database shall be accessible to  
76 the public and shall not require special accounts or impose fees for access to the data.
- 77 4. The Missouri state highway patrol and any local law enforcement agency that  
78 fails to meet its reporting requirements under this section shall be subject to the  
79 suspension of its funding by its appropriating authority.
- 80 5. The director of the department of public safety may promulgate all necessary  
81 rules and regulations for the administration of this section. Any rule or portion of a  
82 rule, as that term is defined in section 536.010, that is created under the authority  
83 delegated in this section shall become effective only if it complies with and is subject to  
84 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
85 chapter 536 are nonseverable, and if any of the powers vested with the general assembly  
86 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
87 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
88 and any rule proposed or adopted after August 28, 2022, shall be invalid and void.