

SECOND REGULAR SESSION

# HOUSE BILL NO. 2735

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROBERTS.

5214H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 563.046 and 590.050, RSMo, and to enact in lieu thereof two new sections relating to peace officer training on use of force.

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

Section A. Sections 563.046 and 590.050, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 563.046 and 590.050, to read as follows:

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

8 2. The use of any physical force in making an arrest is not justified under this section  
9 unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful,  
10 and the amount of physical force used was objectively reasonable in light of the totality of the  
11 particular facts and circumstances confronting the officer on the scene, without regard to the  
12 officer's underlying intent or motivation.

13 3. In effecting an arrest or in preventing an escape from custody, a law enforcement  
14 officer is justified in using deadly force only:

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

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

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

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

22 (c) May otherwise endanger life or inflict serious physical injury to the officer or others  
23 unless arrested without delay.

24 4. The defendant shall have the burden of injecting the issue of justification under this  
25 section.

26 **5. All law enforcement officers in this state shall receive instruction regarding the**  
27 **implementation of this section in law enforcement training programs conducted as**  
28 **provided in chapter 590.**

590.050. 1. The POST commission shall establish requirements for the continuing  
2 education of all peace officers **that shall include specific training relating to peace officer use**  
3 **of force standards.** Peace officers who make traffic stops shall be required to receive three  
4 hours of training within the law enforcement continuing education three-year reporting period  
5 concerning the prohibition against racial profiling and such training shall promote understanding  
6 and respect for racial and cultural differences and the use of effective, noncombative methods  
7 for carrying out law enforcement duties in a racially and culturally diverse environment.

8 2. The director shall license continuing education providers and may probate, suspend  
9 and revoke such licenses upon written notice stating the reasons for such action. Any person  
10 aggrieved by a decision of the director pursuant to this subsection may appeal as provided in  
11 chapter 536.

12 3. The costs of continuing law enforcement education shall be reimbursed in part by  
13 moneys from the peace officer standards and training commission fund created in section  
14 590.178, subject to availability of funds, except that no such funds shall be used for the training  
15 of any person not actively commissioned or employed by a county or municipal law enforcement  
16 agency.

17 4. The director may engage in any activity intended to further the professionalism of  
18 peace officers through training and education, including the provision of specialized training  
19 through the department of public safety.

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