

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 47

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CLEMENS.

5903H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review boards.

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

Section A. Section 590.653, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.653, to read as follows:

590.653. 1. Each city, county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

2. The board shall have the power to receive[,] **and** investigate[,] ~~make findings and recommend disciplinary action upon~~ complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. ~~[The findings and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations.]~~

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 **3. In conducting an investigation under subsection 2 of this section, the board shall**
17 **have the power to subpoena witnesses, compel witness attendance, administer oaths, take**
18 **the testimony of a person under oath, and require the production of evidence, including**
19 **video and audio footage and written documents.**

20 **4. (1) Notwithstanding any other provision of law, each city, county, and city not**
21 **within a county may, through an ordinance or other means consistent with local laws, give**
22 **the board the power to make findings and determine and administer disciplinary action**
23 **in consultation with the chief law enforcement official, including termination of**
24 **employment, for members of the police department.**

25 **(2) If a city, county, or city not within a county does not give the board the power**
26 **described in subdivision (1) of this subsection, the board shall have the power to make**
27 **findings and recommend disciplinary action for members of the police department. The**
28 **board shall submit its findings and recommendations to the chief law enforcement official.**

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