

SECOND REGULAR SESSION

# SENATE BILL NO. 1046

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 10, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5605S.011

## AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to motorcycle profiling.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.149, to read as follows:

**304.149. 1. For purposes of this section, "motorcycle profiling" means the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related accoutrements as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Missouri Constitution.**

**2. By January 1, 2017, the department of public safety shall develop a statewide model training policy designed to eliminate motorcycle profiling from law enforcement in the state. The model anti-motorcycle profiling policy shall include training in:**

- (1) Acts that constitute motorcycle profiling;**
- (2) Tactics for avoiding motorcycle profiling; and**
- (3) Methods for peace officers and their supervisors to identify and respond to motorcycle profiling by other peace officers.**

**3. By November 1, 2017, the chief law enforcement officer of each state and local law enforcement agency shall:**

- (1) Establish and enforce a written anti-motorcycle profiling policy governing the conduct of peace officers engaged in stops of citizens which shall at a minimum, comply with the requirements of the model policy adopted by the department of public safety under subsection 2 of this section;**

22           **(2) Ensure that each peace officer receives a copy of the agency's**  
23 **anti-motorcycle profiling policy;**

24           **(3) Ensure that each peace officer is aware of the policy's**  
25 **purpose and prohibited conduct;**

26           **(4) Require peace officers to give their name and badge number**  
27 **to each motorcycle operator stopped for any reason; and**

28           **(5) Certify to the department of public safety that the agency has**  
29 **adopted a written policy in compliance with the board's model policy.**

30           **4. The department of public safety has authority to inspect state**  
31 **and local agency policies to ensure compliance with subsection 3 of this**  
32 **section. The department of public safety may conduct an inspection**  
33 **based upon a complaint received about a particular agency or through**  
34 **a random selection process.**

✓

Bill

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