

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 74

101ST GENERAL ASSEMBLY

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1031S.02C

ADRIANE D. CROUSE, Secretary

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## AN ACT

To repeal section 557.035, RSMo, and to enact in lieu thereof two new sections relating to law enforcement officers, with penalty provisions.

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

Section A. Section 557.035, RSMo, is repealed and two new  
2 sections enacted in lieu thereof, to be known as sections  
3 557.035 and 590.1265, to read as follows:

557.035. 1. For all violations of section 565.054 or  
2 565.090, subdivision (1) of subsection 1 of section 569.100,  
3 or subdivision (1), (2), (3), (4), (6), (7) or (8) of  
4 subsection 1 of section 571.030, which the state believes to  
5 be knowingly motivated because of race, color, religion,  
6 national origin, sex, sexual orientation or disability of  
7 the victim or victims, **or because of the victim's employment**  
8 **as a law enforcement officer or first responder**, the state  
9 may charge the offense or offenses under this section, and  
10 the violation is a class D felony.

11 2. For all violations of section 565.056; [subdivision  
12 (1) of subsection 1 of section 569.090;] subdivision (1) of  
13 subsection 1 of section 569.120; section 569.140; or section  
14 574.050; which the state believes to be knowingly motivated  
15 because of race, color, religion, national origin, sex,  
16 sexual orientation or disability of the victim or victims,  
17 **or because of the victim's employment as a law enforcement**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 **officer or first responder**, the state may charge the offense  
19 or offenses under this section, and the violation is a class  
20 E felony.

21 3. The court shall assess punishment in all of the  
22 cases in which the state pleads and proves any of the  
23 motivating factors listed in this section.

24 4. For purposes of this section, "first responder"  
25 means state and local law enforcement personnel, fire  
26 department personnel, and emergency medical personnel who  
27 may be deployed to terrorist attacks, catastrophic or  
28 natural disasters, and emergencies. "Law enforcement  
29 officer" means any public servant having both the power and  
30 duty to make arrests for violations of the laws of this  
31 state and federal law enforcement officers authorized to  
32 carry firearms and to make arrests for violations of the  
33 laws of the United States.

590.1265. 1. The provisions of this section shall be  
2 known and may be cited as the "Police Use of Force  
3 Transparency Act of 2021".

4 2. For purposes of this section, the following terms  
5 mean:

6 (1) "Law enforcement agency", the same meaning as  
7 defined in section 590.1040;

8 (2) "Peace officer", the same meaning as defined in  
9 section 590.010;

10 (3) "Serious physical injury", the same meaning as  
11 defined in section 556.061;

12 (4) "Use-of-force incident", an incident in which:

13 (a) A fatality occurs that is connected to a use of  
14 force by a peace officer;

15 (b) Serious bodily injury occurs that is connected to  
16 a use of force by a peace officer; or

17           (c) In the absence of death or serious physical  
18 injury, a peace officer discharges a firearm at, or in the  
19 direction of, a person.

20           3. Starting on January 1, 2022, and at least annually  
21 thereafter, each law enforcement agency shall, collect and  
22 report local data on use-of-force incidents involving peace  
23 officers to the National Use of Force Data Collection  
24 through the Law Enforcement Enterprise Portal administered  
25 by the Federal Bureau of Investigation.

26           4. Each law enforcement agency shall additionally  
27 report the data submitted under subsection 3 of this section  
28 to the department of public safety. Law enforcement  
29 agencies shall not include personally identifying  
30 information of individual peace officers in their reports.

31           5. The department of public safety shall, no later  
32 than October 31, 2021, develop standards and procedures  
33 governing the collection and reporting of use-of-force data  
34 under this section. The standards and procedures shall be  
35 consistent with the requirements, definitions, and methods  
36 of the National Use of Force Data Collection administered by  
37 the Federal Bureau of Investigation.

38           6. By January 30, 2023, and at least annually  
39 thereafter, the department of public safety shall publish  
40 the data reported by law enforcement agencies under  
41 subsection 4 of this section, including statewide aggregate  
42 data and agency-specific data, in a publicly available  
43 report on the department of public safety's website. Such  
44 data shall be deemed a public record consistent with the  
45 provisions and exemptions contained in chapter 610.

46           7. The department of public safety shall undertake an  
47 analysis of any trends and disparities in rates of use of  
48 force by all law enforcement agencies, with a report to be

49 released to the public no later than June 30, 2025. The  
50 report shall be updated periodically thereafter, but not  
51 less than once every five years.

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