

HOUSE BILL NO. 933

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

1728H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto two new sections relating to officer-involved deaths.

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

Section A. Chapter 590, RSMo, is amended by adding thereto two new sections, to be known as sections 590.900 and 590.903, to read as follows:

590.900. 1. A board for review of officer-involved deaths shall be created within the office of the attorney general. The board shall be composed of:

(1) One retired judge;

(2) A former sheriff, chief of police, chief deputy sheriff, or chief deputy of police;

(3) An assistant attorney general;

(4) A professor or researcher affiliated with a state university or college who has expertise in the field of criminal law or criminal justice; and

(5) A former district attorney or assistant district attorney who served in that capacity for at least ten years.

2. Each member listed in subsection 1 of this section shall be appointed to staggered four-year terms by the attorney general in the following manner: two members shall be appointed to two-year terms; and their successors shall be appointed to four-year terms and three members shall be appointed to four-year terms.

3. The board created under this section shall meet as often as necessary to perform its duties under section 590.903.

4. All board members are entitled to reasonable reimbursement for necessary travel and other expenses pertaining to the duties of the board.

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.

590.903. 1. Each law enforcement agency shall have a written policy regarding the handling of deaths involving a law enforcement officer employed by the agency. Each policy is subject to the review and approval of the director of the department of public safety, or his or her designee.

2. Each policy under subsection 1 of this section:

(1) Shall require a team of investigators consisting of at least three individuals, including individuals from at least two different agencies that do not employ a law enforcement officer involved in the death being investigated. If the death being investigated is traffic related, the policy shall also require the investigative team to use a crash reconstruction unit from an agency that does not employ a law enforcement officer involved in the death being investigated. The policy shall give preference to a unit from the state highway patrol;

(2) Shall require any officer involved in the death to submit a blood sample. No person may perform any analysis or test on the blood sample without either the permission of the officer who submitted the sample or a search warrant. At the conclusion of the investigation of the death, the sample may be destroyed, subject to court approval; and

(3) May allow an internal investigation into the death if the internal investigation does not interfere with the duties of the team of investigators under this subsection.

3. An investigative team created under subdivision (1) of subsection 2 of this section shall consult and report to the prosecutor of the county or city not within a county in which the death occurred. Except as provided in this subsection, the team shall keep confidential any material and information related to the death and the investigation. When the report is complete, the prosecutor shall release the report to the board for the review of an officer-involved death. The team shall respond to any requests from the board under subsection 5 of this section for the review of an officer-involved death unless the prosecutor restricts the team from a response due to a court order or because a response could jeopardize the prosecution or investigation of an open case.

4. When the board for the review of an officer-involved death receives a report under subsection 3 of this section, it shall review the report and evidence to determine if it addresses all aspects of the death. The board for the review of an officer-involved death may request more information, clarification, or testimony from the investigative team that prepared the report. When the board finishes its review of the report, it may make recommendations to the prosecutor of the county or city not within a county in which the death occurred and forward the report to any person responsible for disciplining any officer involved, and the attorney general shall release the report and any accompanying written files unless the information must be kept confidential as required by law.

37 **5. Meetings of the board for the review of an officer-involved death are open to the**
38 **public, but public comment is closed unless the majority of the board votes to allow public**
39 **comment.**

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