

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILLS NOS. 53 & 60  
AN ACT

To repeal sections 84.400, 565.240, 566.145, 590.030, and 590.070, RSMo, and to enact in lieu thereof nine 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Section A. Sections 84.400, 565.240, 566.145, 590.030, 2 and 590.070, RSMo, are repealed and nine new sections enacted 3 in lieu thereof, to be known as sections 84.400, 84.575, 4 546.265, 563.015, 565.240, 566.145, 590.030, 590.070, and 5 590.075, to read as follows:

84.400. 1. Any one of said commissioners so appointed 2 or any member of any such police force who, during the term 3 of his office, shall accept any other place of public trust, 4 or emolument, or who shall knowingly receive any nomination 5 for an office elective by the people, and shall fail to 6 decline such nomination publicly within the five days 7 succeeding such nomination or shall become a candidate for 8 the nomination for any office at the hands of any political 9 party, shall be deemed to have thereby forfeited and vacated 10 office as such commissioner or member of such police force.

2. Notwithstanding any provisions of law to the 11 contrary, a member of the board or any member of such police 12 force may be appointed to serve on any state or federal 13 board, commission, or task force where no compensation for 14 such service is paid, except that such board member or 15 member of such police force may accept payment of a per diem 16

17 for attending meetings, or if no per diem is provided,  
18 reimbursement from such board, commission, or task force for  
19 reasonable and necessary expenses for attending such  
20 meetings.

21 84.575. 1. The board of police commissioners  
2 established by section 84.350 shall not require, as a  
3 condition of employment, that any currently employed or  
4 prospective law enforcement officer or other employee reside  
5 within any jurisdictional limit. If the board of police  
6 commissioners has a residency rule or requirement for law  
7 enforcement officers or other employees that is in effect on  
8 or before August 28, 2021, the residency rule or requirement  
9 shall not apply and shall not be enforced.

10 2. The board of police commissioners may impose a  
11 residency rule or requirement on law enforcement officers or  
12 other employees, but the rule or requirement shall be no  
13 more restrictive than requiring such personnel to reside  
14 within sixty miles from the nearest city limit.

15 546.265. 1. As used in this section, the following  
2 terms mean:

3 (1) "Crime stoppers organization", a private, not-for-  
4 profit organization that collects and expends donations for  
5 rewards to persons who report to the organization  
6 information concerning criminal activity and that forwards  
7 such information to appropriate law enforcement agencies;

8 (2) "Privileged communication", information by an  
9 anonymous person to a crime stoppers organization for the  
10 purpose of reporting alleged criminal activity.

11 2. No person shall be required to disclose, by way of  
12 testimony or otherwise, a privileged communication between a  
13 person who submits a report of alleged criminal activity to  
14 a crime stoppers organization and the person who accepts the  
15 report on behalf of a crime stoppers organization or to

16 produce, under subpoena, any records, documentary evidence,  
17 opinions, or decisions relating to such privileged  
18 communication:

19 (1) In connection with any criminal case or  
20 proceeding; or

21 (2) By way of any discovery procedure.

22 3. Any person arrested or charged with a criminal  
23 offense may petition the court for an in-camera inspection  
24 of the records of a privileged communication concerning the  
25 report such person made to a crime stoppers organization.  
26 The petition shall allege facts showing that such records  
27 would provide evidence favorable to the defendant and  
28 relevant to the issue of guilt or punishment. If the court  
29 determines that the person is entitled to all or any part of  
30 such records, the court may order production and disclosure  
31 as the court deems appropriate.

563.015. 1. A law enforcement officer is prohibited  
2 from using a respiratory choke-hold unless deadly force is  
3 authorized pursuant to this chapter.

4 2. A respiratory choke-hold includes the use of any  
5 body part or object to attempt to control or disable by  
6 applying pressure to a person's neck with the purpose,  
7 intent, or effect of controlling or restricting such  
8 person's breathing.

565.240. 1. A person commits the offense of unlawful  
2 posting of certain information over the internet if he or  
3 she knowingly posts the name, home address, Social Security  
4 number, [or] telephone number, or any other personally  
5 identifiable information of any person on the internet  
6 intending to cause great bodily harm or death, or  
7 threatening to cause great bodily harm or death to such  
8 person.

9           2. The offense of unlawful posting of certain  
10 information over the internet is a class C misdemeanor,  
11 unless the person knowingly posts the name, home address,  
12 Social Security number, telephone number, or any other  
13 personally identifiable information of any law enforcement  
14 officer, corrections officer, parole officer, or prosecuting  
15 attorney, or immediate family member of such officers, on  
16 the internet intending to cause great bodily harm or death,  
17 or threatening to cause great bodily harm or death, in which  
18 case it is a class E felony.

          566.145. 1. A person commits the offense of sexual  
2 conduct in the course of public duty if the person engages  
3 in sexual conduct:

4           (1) With a detainee, a prisoner, or an offender [if he  
5 or she] and the person:

6           [(1)] (a) Is an employee of, or assigned to work in,  
7 any jail, prison or correctional facility and engages in  
8 sexual conduct with a prisoner or an offender who is  
9 confined in a jail, prison, or correctional facility; [or

10           (2)] (b) Is a probation and parole officer and engages  
11 in sexual conduct with an offender who is under the direct  
12 supervision of the officer; or

13           (c) Is a law enforcement officer and engages in sexual  
14 conduct with a detainee or prisoner who is in the custody of  
15 such officer; or

16           (2) With someone who is not a detainee, a prisoner, or  
17 an offender and the person is:

18           (a) A probation and parole officer, a police officer,  
19 or an employee of, or assigned to work in, any jail, prison,  
20 or correctional facility;

21           (b) On duty; and

22           (c) Acting with a coercive purpose.

23           2. For the purposes of this section, the following  
24 terms shall mean:

25           (1) "Detainee", a person deprived of liberty and kept  
26 under involuntary restraint, confinement, or custody;

27           (2) "Offender", includes any person in the custody of  
28 a prison or correctional facility and any person who is  
29 under the supervision of the state board of probation and  
30 parole;

31           ~~[(2)]~~ (3) "Prisoner", includes any person who is in  
32 the custody of a jail, whether pretrial or after disposition  
33 of a charge.

34           3. The offense of sexual conduct [with a prisoner or  
35 offender] in the course of public duty is a class E felony.

36           4. Consent of a detainee, a prisoner [or], an  
37 offender, or any other person is not a defense.

590.030. 1. The POST commission shall establish  
2 minimum standards for the basic training of peace officers.  
3 Such standards may vary for each class of license  
4 established pursuant to subsection 2 of section 590.020.

5           2. The director shall establish minimum age,  
6 citizenship, and general education requirements and may  
7 require a qualifying score on a certification examination as  
8 conditions of eligibility for a peace officer license. Such  
9 general education requirements shall require completion of a  
10 high school program of education under chapter 167 or  
11 obtainment of a General Educational Development (GED)  
12 certificate.

13           3. The director shall provide for the licensure, with  
14 or without additional basic training, of peace officers  
15 possessing credentials by other states or jurisdictions,  
16 including federal and military law enforcement officers.

17           4. The director shall establish a procedure for  
18 obtaining a peace officer license and shall issue the proper  
19 license when the requirements of this chapter have been met.

20           5. As conditions of licensure, all licensed peace  
21 officers shall:

22           (1) Obtain continuing law enforcement education  
23 pursuant to rules to be promulgated by the POST commission;  
24 [and]

25           (2) Maintain a current address of record on file with  
26 the director; and

27           (3) Submit to being fingerprinted on or before January  
28 1, 2022, and at any time a peace officer is commissioned  
29 with a different law enforcement agency, for the purpose of  
30 a criminal history background check and enrollment in the  
31 state and federal Rap Back programs, pursuant to section  
32 43.540. The criminal history background check shall include  
33 the records of the Federal Bureau of Investigation. The  
34 resulting report shall be forwarded to the officer's  
35 commissioning law enforcement agency at the time of  
36 enrollment and Rap Back enrollment shall be for the purpose  
37 of the requirements of subsection 3 of section 590.070 and  
38 subsection 2 of section 590.118. An officer shall take all  
39 necessary steps to maintain enrollment in Rap Back at all  
40 law enforcement agencies where the officer is commissioned  
41 for as long as the officer is commissioned with that agency.

42           6. A peace officer license shall automatically expire  
43 if the licensee fails to hold a commission as a peace  
44 officer for a period of five consecutive years, provided  
45 that the POST commission shall provide for the relicensure  
46 of such persons and may require retraining as a condition of  
47 eligibility for relicensure, and provided that the director  
48 may provide for the continuing licensure, subject to  
49 restrictions, of persons who hold and exercise a law

50 enforcement commission requiring a peace officer license but  
51 not meeting the definition of a peace officer pursuant to  
52 this chapter.

53 7. All law enforcement agencies shall enroll in the  
54 state and federal Rap Back programs on or before January 1,  
55 2022, and continue to remain enrolled. The law enforcement  
56 agency shall take all necessary steps to maintain officer  
57 enrollment for all officers commissioned with that agency in  
58 the Rap Back programs. An officer shall submit to being  
59 fingerprinted at any law enforcement agency upon  
60 commissioning and for as long as the officer is commissioned  
61 with that agency.

590.070. 1. The chief executive officer of each law  
2 enforcement agency shall, within thirty days after  
3 commissioning any peace officer, notify the director on a  
4 form to be adopted by the director. The director may  
5 require the chief executive officer to conduct a current  
6 criminal history background check and to forward the  
7 resulting report to the director.

8 2. The chief executive officer of each law enforcement  
9 agency shall, within thirty days after any licensed peace  
10 officer departs from employment or otherwise ceases to be  
11 commissioned, notify the director on a form to be adopted by  
12 the director. Such notice shall state the circumstances  
13 surrounding the departure from employment or loss of  
14 commission and shall specify any of the following that apply:

15 (1) The officer failed to meet the minimum  
16 qualifications for commission as a peace officer;

17 (2) The officer violated municipal, state or federal  
18 law;

19 (3) The officer violated the regulations of the law  
20 enforcement agency; or

21 (4) The officer was under investigation for violating  
22 municipal, state or federal law, or for gross violations of  
23 the law enforcement agency regulations.

24 3. Whenever the chief executive officer of a law  
25 enforcement agency has reasonable grounds to believe that  
26 any peace officer commissioned by the agency is subject to  
27 discipline pursuant to section 590.080, the chief executive  
28 officer shall report such knowledge to the director.

29 4. Notwithstanding any other provision of law to the  
30 contrary, the chief executive officer of each law  
31 enforcement agency has absolute immunity from suit for  
32 compliance with this section, unless the chief executive  
33 officer presented false information to the director with the  
34 intention of causing reputational harm to the peace officer.

590.075. The chief executive officer of each law  
2 enforcement agency shall, prior to commissioning any peace  
3 officer, request a certified copy from the director of all  
4 notifications received pursuant to section 590.070 and the  
5 director shall provide all notifications stored  
6 electronically to the chief executive officer who requested  
7 the notifications within three business days after receipt  
8 of request. If the director receives any additional  
9 notifications regarding the candidate for commissioning  
10 within sixty days of a chief executive officer's request  
11 under this section, a copy of such notifications shall be  
12 forwarded by the director to the requesting chief executive  
13 officer within three business days following receipt.