

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 876**  
**101ST GENERAL ASSEMBLY**

1902H.03C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 566.145 and 590.070, RSMo, and to enact in lieu thereof four 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Section A. Sections 566.145 and 590.070, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 563.015, 566.145, 590.070, and 590.075, to read as follows:

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

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

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

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

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

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

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

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

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.

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

15           **(b) On duty; and**

16           **(c) Acting with a coercive purpose.**

17           2. For the purposes of this section the following terms shall mean:

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

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

22           ~~[(2)]~~ (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial  
 23 or after disposition of a charge.

24           3. The offense of sexual conduct ~~[with a prisoner or offender]~~ **in the course of public**  
 25 **duty** is a class E felony.

26           4. Consent of a **detainee, a prisoner** ~~[or]~~ **, an offender, or any other person** is not a  
 27 defense.

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

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

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

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

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

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

16           3. Whenever the chief executive officer of a law enforcement agency has reasonable  
 17 grounds to believe that any peace officer commissioned by the agency is subject to discipline  
 18 pursuant to section 590.080, the chief executive officer shall report such knowledge to the  
 19 director.

20           **4. Notwithstanding any other provision of law to the contrary, the chief executive**  
 21 **officer of each law enforcement agency has absolute immunity from suit for compliance**

22 **with this section, unless the chief executive officer presented false information to the**  
23 **director with the intention of causing reputational harm to the peace officer.**

**590.075. The chief executive officer of each law enforcement agency shall, prior to**  
2 **commissioning any peace officer, request a certified copy from the director of all**  
3 **notifications received pursuant to section 590.070 and the director shall provide all**  
4 **notifications to the chief executive officer who requested the notifications within three**  
5 **business days after receipt of request.**

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