SENATE AMENDMENT NO.

Offered by	 Of	

Amend SS/SCS/Senate Bill Nos. 53 & 60, Page 8, Section 590.075, Line 13,

2	by inserting after all of said line the following:		
3	"590.192. 1. There is hereby established the		
4	"Critical Incident Stress Management Program" within the		
5	department of public safety. The program shall provide		
6	services for peace officers to assist in coping with stress		
7	and potential psychological trauma resulting from a response		
8	to a critical incident or emotionally difficult event. Such		
9	services may include consultation, risk assessment,		
10	education, intervention, and other crisis intervention		
11	services provided by the department to peace officers		
12	affected by a critical incident. For purposes of this		
13	section, a "critical incident" shall mean any event outside		
14	the usual realm of human experience that is markedly		
15	distressing or evokes reactions of intense fear,		
16	helplessness, or horror and involves the perceived threat to		
17	a person's physical integrity or the physical integrity of		
18	someone else.		
19	2. All peace officers shall be required to meet with a		
20	program service provider once every three to five years for		
21	a mental health check-in. The program service provider		
22	shall send a notification to the peace officer's commanding		
23	officer that he or she completed such check-in.		
24	3. Any information disclosed by a peace officer shall		
25	be privileged and shall not be used as evidence in criminal,		

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    administrative, or civil proceedings against the peace
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    officer unless:
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         (1) A program representative reasonably believes the
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    disclosure is necessary to prevent harm to a person who
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    received services or to prevent harm to another person;
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         (2) The person who received the services provides
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    written consent to the disclosure; or
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         (3) The person receiving services discloses
    information that is required to be reported under mandatory
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    reporting laws.
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         4. (1)
                  There is hereby created in the state treasury
    the "988 Public Safety Fund", which shall consist of money
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    appropriated by the general assembly. The state treasurer
    shall be custodian of the fund. In accordance with sections
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    30.170 and 30.180, the state treasurer may approve
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    disbursements. The fund shall be a dedicated fund and money
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    in the fund shall be used solely by the department of public
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    safety for the purposes of providing services for peace
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    officers pursuant to subsection 1 of this section. Such
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    services may include consultation, risk assessment,
    education, intervention, and other crisis intervention
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    services provided by the department to peace officers
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    affected by a critical incident. The director of public
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    safety may prescribe rules and regulations necessary to
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    carry out the provisions of this section. Any rule or
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    portion of a rule, as that term is defined in section
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    536.010, that is created under the authority delegated in
    this section shall become effective only if it complies with
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    and is subject to all of the provisions of chapter 536 and,
    if applicable, section 536.028. This section and chapter
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    536 are nonseverable and if any of the powers vested with
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    the general assembly pursuant to chapter 536 to review, to
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delay the effective date, or to disapprove and annul a rule

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- 59 are subsequently held unconstitutional, then the grant of
- 60 rulemaking authority and any rule proposed or adopted after
- 61 August 28, 2021, shall be invalid and void.
- 62 (2) Notwithstanding the provisions of section 33.080
- 63 to the contrary, any moneys remaining in the fund at the end
- of the biennium shall not revert to the credit of the
- 65 general revenue fund.
- 66 (3) The state treasurer shall invest moneys in the
- fund in the same manner as other funds are invested. Any
- 68 interest and moneys earned on such investments shall be
- 69 credited to the fund.
- 70 590.1265. 1. The provisions of this section shall be
- 71 known and may be cited as the "Police Use of Force
- 72 Transparency Act of 2021".
- 73 <u>2. For purposes of this section, the following terms</u>
- 74 mean:
- 75 (1) "Law enforcement agency", the same meaning as
- 76 defined in section 590.1040;
- 77 (2) "Peace officer", the same meaning as defined in
- 78 section 590.010;
- 79 (3) "Serious physical injury", the same meaning as
- 80 defined in section 556.061;
- 81 (4) "Use-of-force incident", an incident in which:
- 82 (a) A fatality occurs that is connected to a use of
- 83 force by a peace officer;
- 84 (b) Serious bodily injury occurs that is connected to
- 85 a use of force by a peace officer; or
- 86 (c) In the absence of death or serious physical
- 87 injury, a peace officer discharges a firearm at, or in the
- 88 direction of, a person.
- 89 3. Starting on March 1, 2022, and at least annually
- 90 thereafter, each law enforcement agency shall collect and
- 91 report local data on use-of-force incidents involving peace

- 92 officers to the National Use of Force Data Collection
- 93 through the Law Enforcement Enterprise Portal administered
- 94 by the Federal Bureau of Investigation. Law enforcement
- 95 agencies shall not include personally identifying
- 96 information of individual peace officers in their reports.
- 97 4. Each law enforcement agency shall additionally
- 98 report the data submitted under subsection 3 of this section
- 99 to the department of public safety. Law enforcement
- 100 agencies shall not include personally identifying
- 101 information of individual peace officers in their reports.
- 5. The department of public safety shall, no later
- than October 31, 2021, develop standards and procedures
- 104 governing the collection and reporting of use-of-force data
- 105 under this section. The standards and procedures shall be
- 106 consistent with the requirements, definitions, and methods
- of the National Use of Force Data Collection administered by
- 108 the Federal Bureau of Investigation.
- 109 6. By March 1, 2023, and at least annually thereafter,
- 110 the department of public safety shall publish the data
- 111 reported by law enforcement agencies under subsection 4 of
- 112 this section, including statewide aggregate data and agency-
- 113 specific data, in a publicly available report on the
- 114 department of public safety's website. Such data shall be
- 115 deemed a public record consistent with the provisions and
- 116 exemptions contained in chapter 610.
- 117 7. The department of public safety shall undertake an
- 118 analysis of any trends and disparities in rates of use of
- 119 force by all law enforcement agencies, with a report to be
- released to the public no later than June 30, 2025. The
- 121 report shall be updated periodically thereafter, but not
- 122 less than once every five years."; and
- 123 Further amend the title and enacting clause
- 124 accordingly.