

FIRST REGULAR SESSION

# HOUSE BILL NO. 931

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WEBBER (Sponsor), STILL, WEBB, COLONA, TALBOY,  
CARTER, HUGHES, CALLOWAY AND PACE (Co-sponsors).

2040L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to conducted electrical devices.

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

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.255, to read as follows:

**571.255. 1. As used in this section, the following terms shall mean:**

(1) "Conducted electrical device" or "CED", any tool or weapon which uses conducted electricity with the express purpose of stunning or incapacitating the individual at whom it is targeted;

(2) "Less lethal", a classification of force between non lethal and lethal. This designation applies to uses of force which can only be used when lethal force is justified, but which are considered preferable to lethal force if the situation warrants;

(3) "Use of force continuum", the array of options open to law enforcement when responding to situations which require a physical response, when the physical response options are ordered hierarchically so that increasing force is applied by law enforcement agents only in proportion to the threat presented.

2. A "Task Force on the Use of Conducted Electrical Devices (CEDs)" is hereby created within the office of administration.

3. The task force shall consist of ten members appointed by the governor, with the advice and consent of the senate, including:

(1) Two acknowledged medical experts;

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.

- 17           **(2) Two acknowledged scientific experts;**  
18           **(3) Two acknowledged legal experts;**  
19           **(4) Two law enforcement experts; and**  
20           **(5) Two private citizens who have been shot by a CED, or whose family member**  
21 **was injured or killed in a CED incident.**

22           **4. Representation on the task force shall be balanced with the various viewpoints**  
23 **on CED policy being equally represented. It shall be the responsibility of the governor to**  
24 **ensure such requirement is met. The members of the task force shall serve without**  
25 **compensation, but the members shall be reimbursed for necessary expenses incurred in the**  
26 **performance of task force duties. The task force shall be appointed and staffed on or**  
27 **before November 1, 2009. The task force shall elect a chair and secretary from among its**  
28 **members.**

29           **5. The purpose of the task force shall be to evaluate the safety of CEDs and to make**  
30 **recommendations regarding their use by law enforcement. The task force shall hold public**  
31 **hearings throughout the state, calling before it witnesses to testify, and allowing other**  
32 **interested citizens to comment on issues relevant to the use of CEDs in Missouri.**

33           **6. The task force shall study all aspects of CED use as administered in the state.**  
34 **The study will include, but not be limited to the following:**

35           **(1) Gathering a representative sample of law enforcement policies regarding CED**  
36 **use from around the nation;**

37           **(2) Gathering a fully representative sample of law enforcement policies regarding**  
38 **CED use from across Missouri;**

39           **(3) Comparing how such policies classify CEDs on the use of force continuum, and**  
40 **specifically reviewing the policies' restrictions and advisories on CED use, training of**  
41 **personnel, requirements for reporting CED use, and requirements of data collection from**  
42 **weapons which have been fired;**

43           **(4) Examining national and statewide reports on deaths and injuries, and making**  
44 **a review of all scientific CED studies, including laboratory studies;**

45           **(5) Evaluating the information included in subdivision (4) of this subsection while**  
46 **considering information reported by individuals actually involved in these situations, if**  
47 **available;**

48           **(6) Gathering national and state data on incidents involving alleged abuse of CEDs.**

49           **7. The task force shall determine if there are adequate studies on the use and**  
50 **effects of CEDs and if such studies represent independent perspectives. In particular, the**  
51 **task force shall determine if there is a need for further research on certain issues, including**  
52 **how frequently CEDs are used, the effects of CED use on human health, typical operation**

53 of CEDs by law enforcement officers, possible circumstances when CED use should be  
54 limited, sufficiency of law enforcement training on CED use, and any other issues of  
55 interest or concern to the task force.

56 **8. The task force shall report its findings and recommendations to the governor,**  
57 **attorney general, and members of the general assembly by January 1, 2011.**

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