



NATIONAL CONFERENCE OF STATE LEGISLATURES

## **Recently Enacted Policing Legislation**

Sept. 15, 2020

This unpublished reference document includes abbreviated summaries of significant legislation enacted in states between May 25, 2020 and Sept. 15<sup>th</sup>, 2020. For the full text of each enactment please visit in NCSL's [Policing Legislation Database](#).

### **Use of Force**

#### **Oversight and Study:**

CT HB 6004 – Authorizes towns to establish police civilian review boards.

DE SB 260 – Creates the Law Enforcement Accountability Task Force to study and make recommendations to the governor and legislature on use of force and imminent danger, workforce development, community policing and engagement and transparency and accountability.

GA SR 1007 – Creates the Senate Law Enforcement Study Reform Committee.

LA SCR 7 – Establishes the Police Training, Screening and De-escalation Task Force.

MN HF 1 – Creates the Ensuring Police Excellence and Improving Community Relations Advisory Council under POST.

OR HB 4201 – Establishes the joint legislative committee on transparent policing and use of force reform.

RI SB 2867 – Creates a special legislative study task force to study and provide recommendations on the law enforcement officers' bill of rights.

#### **Data Collection:**

CO SB 217 – Requires reporting on use of force, weapon unholstering and other police contact data. Requires public database.

CT HB 6004 – Requires reporting on efforts to recruit and retain minority police officers. Updates reporting on critical incidents and creates new reporting requirements.

MN HF 1 – Requires reporting use of force incidents to the FBI and the bureau of criminal apprehension. Requires the creation of a publicly accessible database for peace officer data already being reported.

NY AB 10608 – Requires reporting after an officer discharges their weapon under circumstances where a person could be struck by a bullet.

NY AB 10609 – Requires reporting on arrested-related deaths with annual reports to the legislature and the governor.

NV AB 3 – Requires each law enforcement agency in the state to report certain traffic stop data by Nov. 1, 2020.

VT SB 219 – Conditions state grant funding for departments on compliance with existing reporting requirements for demographic information on police stops.

### **Restrictions and Standards:**

CO SB 217 – Modernizes the use of force standard to reflect case law, requires use of nonviolent means when possible before using force, limits when physical force may be used, requires that force be consistent with minimization of injury, and prohibits use of chokeholds. Requires identification and warning prior to use of deadly force and restricts when deadly force may be used. Restricts when and how chemical agents and projectiles may be used in response to protests.

CT HB 6004 – Requires that alternatives to deadly force be exhausted first, requires reasonable belief that deadly force creates no substantial risk of injury to third parties and requires that the officer reasonably believes deadly force to be necessary. Creates factors for evaluating reasonableness. Restricts the use of chokeholds to when deadly force would otherwise be authorized.

DE HB 350 – Criminalizes law enforcement use of a chokehold that is knowing or intentional and not required under the deadly force standard.

IA HB 2647 – Restricts the use of chokeholds to when deadly force would otherwise be authorized.

MN HF 1 – Restricts the use of chokeholds, tying a person's limbs together behind their back to render them immobile or securing a person in a way that results in transporting them face down at a vehicle unless deadly force would be authorized. Provide legislative guidance on the use of deadly force reasonability standard generally.

NH HB 1645 – Restricts the use of chokeholds except in certain codified circumstances.

NY AB 6144 – Establishes the crime of strangulation in the first degree specific to officers who disregard procedures banned by their employment related to chokeholds.

NV AB 3 – Restricts officer use of force to the amount of reasonable force necessary to effect an arrest. Prohibits the use of chokeholds and putting individuals in a position that would compromise their airway.

OR HB 4203 – Provides that officers may not use force that limits the ability to breath.

OR HB 4208 - Prohibits law enforcement agencies from using tear gas or from using long range acoustic devices or sound cannons for the purposes of crowd control, except in circumstances constituting a riot.

UT HB 5007 – Prohibits officers from using chokeholds or restraints that may cause unconsciousness.

VT SB 219 – Restrict the use of restrain maneuvers including chokeholds. Criminalizes the use of a prohibited restraint when it results in serious bodily injury or death. Repeals justifiable homicide provision in 2021 to prompt the legislature to address the language.

### **Legal Duty and Liability:**

CO SB 217 – Requires officers to render aid to any injured or affected person as soon as practicable. Creates a duty to intervene to prevent or stop physical force that exceeds permitted force. Requires an officer to report an intervention to their supervisor. Creates protections for intervening officers and criminal penalties and discipline, including termination for failing to intervene. Creates a civil action for

deprivation of rights by local law enforcement officers, including personal liability of up to \$25,000 or 5% of the judgment. Authorizes the state attorney general to file a civil action alleging pattern or practice of conduct in violation of a persons' rights.

CT HB 6004 – Creates a duty to intervene and a duty to report. Specifies penalties for failure to comply with duties and restricts retaliation. Eliminates qualified immunity and creates a civil action for deprivation of rights.

MN HF 1 – Requires creation of a state model use of force policy that includes duty to intervene, duty to report, and a duty to use deadly force within the new statutory guidance. Enables the board to inspect state and local use of force policies to ensure compliance. Creates a statutory duty to intercede.

NH HB 1645 – Defines misconduct and creates a duty to report officer misconduct to the chief and subsequently to the police standards and training council.

NM SB 8 – Specifies that state immunity does not apply for offenses and violations involving officers acting within the scope of their duties.

NY SB 6601 – Creates a duty to provide attention to the medical and mental health needs of a person under arrest or otherwise in the custody of an officer. Requires obtaining assistance and treatment that is reasonable and provided in good faith.

NV AB 3 – Requires officers to monitor individuals in their custody for signs of distress and placed them in the recovery position if they appear to be in stress or indicate that they cannot breathe. Requires officers to ensure that medical aid is rendered to any person who is injured by the use of physical force. Creates a duty to intervene and also a specific duty for supervisors to issue a direct order to stop the use of unlawful physical force. Prohibits any retaliation by departments after an officer intervenes and requires law enforcement agencies to train their officers on the duty to intervene.

OR HB 4205 – Requires the Department of Public Safety Standards and Training to adopt rules requiring officers to intervene to stop another police officer from engaging in conduct that is unethical or that violates law, rules, or policy, defines misconduct.

### **Investigation and Prosecution:**

CT HB 6004 – Creates an office of the inspector general and appropriates funds to investigate all instances of deadly force and where physical force results in death.

IA HB 2647 – Authorizes the attorney general to prosecute a criminal offense committed by a law enforcement officer arising from a law enforcement-involved death.

MN HF 1 – Requires creation of an independent use of force investigations unit within the bureau of criminal apprehension. Requires reporting to the legislature and public disclosure.

NY SB 2574 - Establishes the Office of Special Investigation within the Department of Law to investigate and prosecute any alleged criminal offense or offenses committed by a police officer, or peace officer, concerning the death of any person as a result of any encounter with such police or peace officer.

NV AB 3 – Requires investigation after a complaint to commence within a reasonable time period after the filing of the complaint or allegation. Eliminates prohibition on reopening an investigation unless new material is discovered and prohibits a law enforcement agency from investigating if the complaint is filed more than five years after the activities occurred. Revises specified investigation procedures.

## **Training**

CO SB 217 – Requires that officers be trained on new use of force provisions.

CT HB 6004 – Requires POST to develop regulations regarding crowd control management and that training programs include these regulations. Requires police training to include implicit bias training.

IA HB 2647 – Requires annual training on de-escalation techniques and prevention of bias. Provides guidance on training.

MN HF 1 – Prohibits warrior-style training.

OR HB 4205 – Directs the Board of Public Safety Standards and Training to adopt rules prohibiting the training of officers to use physical force that impedes normal breathing or circulation of blood by applying pressure on the throat or neck.

UT HB 5007 – Bans training on the use of chokeholds and restraints that may cause unconsciousness.

## **Certification and Discipline**

CO SB 217 – Require the Police Officer Standards and Training Board to revoke officer certification for inappropriate use of force or failure to intervene. Restricts the POST Board from reinstating certification or granting new certification unless the officer is exonerated by a court. POST Board is required to record decertification in a database.

CT HB 6004 – Requires all state police officers to obtain POST certification. Requires POST to create a statewide policy providing for behavioral health evaluations for officers and requires that officers be evaluated every 5 years or for good cause. Requires urinalysis testing in certain circumstances. Expands statutory grounds for decertification to include being found by a department to be engaging in conduct that undermines public confidence in law enforcement such as profiling and discrimination and using physical force that is excessive or not justifiable after investigation. Authorizes censure and suspension of license when conduct does not warrant cancellation. Authorizes POST to issue guidance to local agencies on suspension, cancellation or decertification. Specifies that no collective bargaining agreement can prevent disclosure of disciplinary action. Requires law enforcement agencies to obtain and maintain accreditation.

IA HB 2647 – Establishes circumstances under which the Iowa Law Enforcement Academy Council is required to revoke officer certification, may suspend or revoke certification or may deny an application for certification.

NJ AB 744 – Requires that law enforcement agencies provide internal affairs and personnel files to other agencies under certain circumstances.

NY SB 8496 – Removes confidentiality provision related to officer disciplinary records.

NM SB 8 – Requires permanent revocation of certification for a conviction involving unlawful use or threatened use of force or a crime involving failure to intervene.

OR HB 4205 – Authorizes suspension or revocation of certification for failure to intervene or report.

OR HB 4207 – Requires denial of application, suspension or revocation of certification upon a finding of certain criminal convictions, status as a sex offender, and discharge for cause related to certain circumstances. Requires a database of decertification.

### **Body-Worn Cameras**

CO SB 217 – Requires broad adoption of body-worn cameras and establishes regulation for use of body-worn cameras.

CT HB 6004 – Requires state, municipal and tribal law enforcement to use body cameras and dashboard cameras by July 1, 2022. Authorizes \$4 million in grants for equipment and storage costs.

DC B 825 – Emergency/temporary legislation that requires the faster release of body-worn camera footage after any officer-involved death or serious use of force, requires release of footage from past shootings, and bans officers from reviewing it prior to drafting crime reports. Provides for notice of next of kin prior to release and an opportunity for them to review the footage first.

NM SB 8 – Requires certain law enforcement officers to use body-worn cameras and requires agency adoption of policies and procedures.

NY SB 8493 - Establishes the State Police Body Worn Cameras Program, requires the Division of State Police to provide body-worn cameras to be worn by all officers.

VT SB 219 – Requires the Department of Public Safety to equip law enforcement officers with body cameras.

### **Alternative Responses & Officer Wellness**

CT HB 6004 – Requires each municipal department to evaluate the benefits of using social workers during emergency response situations and report back to POST.

MN HF 1 – Authorizes and regulates the use of peer counseling for officers and critical incident stress management teams. Specifies that officers should exercise special care when interacting with individuals with known physical, mental, developmental or intellectual disabilities. Creates new training requirements on crisis intervention and interactions with individuals with autism.