

HB 4131 -1, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/10, 2/11, 2/11

WHAT THE MEASURE DOES:

Modifies definition of chemical incapacitant. Defines crowd control. Specifies when law enforcement agency may use chemical incapacitants and kinetic impact projectiles for crowd control. Permits electronically amplified noise equipment to facilitate movement of emergency vehicle. Specifies injured persons may seek help from emergency medical services. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Legal interpretations of House Bill 2928 (2021) and need for clarity
- Constitutional implications of law enforcement use of force
- Impact of these law enforcement tools on the community and environment

EFFECT OF AMENDMENT:

-1 Modifies definition of chemical incapacitant. Excludes tear gas from definition of chemical incapacitant. Defines tear gas. Defines crowd control. Specifies when law enforcement agency may use tear gas, chemical incapacitants, and kinetic impact projectiles for crowd control. Permits electronically amplified noise equipment to facilitate movement of emergency vehicle. Specifies injured persons may seek help from emergency medical services.

-3 Replaces measure. Modifies definition of chemical incapacitant, kinetic impact projectile, and law enforcement agency. Defines "shove" and "stun grenade." Specifies when law enforcement may use physical force. Specifies use of self-defense by person is not provocation justifying law enforcement use of force. Prohibits law enforcement agency from using or possessing stun grenades with projectile or chemical incapacitant payloads. Prohibits law enforcement agency from using or possessing chemical incapacitants with pyrotechnic ignition system or that deploy through smoke. Prohibits law enforcement agency from using or possessing chemical incapacitant munitions or projectiles that may be launched or shot. Prohibits law enforcement agency from using or possessing semiautomatic or automatic kinetic impact projectile weapons. Specifies when law enforcement agency may use stun grenades, chemical incapacitants, and kinetic impact projectiles. Permits electronically amplified noise equipment to facilitate movement of emergency vehicle. Specifies medical assistance rights of persons injured by law enforcement use of chemical incapacitants or kinetic impact projectiles. Requires documentation of each use of chemical incapacitants or kinetic impact projectiles and made publicly available. Prohibits law enforcement agency from using or acquiring expired munitions. Specifies when law enforcement agency may accept aid from or provide aid to any federal agency responding to assembly of five or more persons. Creates civil cause of action for official misconduct against law enforcement agency. Prohibits peace officers from dispersing members of media, legal observers, or persons providing medical assistance from certain assemblages. Modifies when peace officer may use physical force or deadly physical force. Creates cause of action against public body for unlawful use of physical force by peace officer. Declares emergency, effective upon passage.

BACKGROUND:

Tear gas, long range acoustic devices, and sound cannons are devices used by various law enforcement agencies for several purposes, including to control riots and disburse crowds. House Bill 2928 was enacted in the 2021 legislative session and regulated the use of chemical incapacitants, kinetic impact projectiles, and sound devices

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by law enforcement officials. It was effective July 19, 2021.

House Bill 4131 makes changes to the 2021 legislation regulating law enforcements' use of of certain devices for crowd control.