

**HB 4008 B STAFF MEASURE SUMMARY****Carrier:** Sen. Manning Jr**Senate Committee On Rules****Action Date:** 02/28/22**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-0-1-0**Yeas:** 4 - Knopp, Manning Jr, Taylor, Wagner**Exc:** 1 - Girod**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Whitney Perez**Meeting Dates:** 2/24, 2/28**WHAT THE MEASURE DOES:**

Authorizes Commission on Statewide Law Enforcement Standards of Conduct and Discipline (Commission) to hire executive director and support staff. Authorizes Commission to enter into interagency or intergovernmental agreements for another state agency or governmental agency to provide support staff. Modifies law enforcement agency use of certain crowd management measures. Defines "crowd management." Defines "handheld chemical incapacitant." Excludes tear gas from definition of "handheld chemical incapacitant." Defines "tear gas." Regulates law enforcement agency use of tear gas for crowd management. Prohibits law enforcement agency use of handheld chemical incapacitants or kinetic impact projectiles for crowd management. Prohibits law enforcement agency from discharging a kinetic impact projectile that intentionally targets the head of a person except when use of deadly physical force is justified. Specifies that this restriction does not prohibit a law enforcement agency or peace officer from using handheld chemical incapacitants or kinetic impact projectiles against an individual when circumstances justify the use of physical force as specified in statute. Specifies that a law enforcement agency shall minimize the incidental impact of agency's use of handheld chemical incapacitants, tear gas, and kinetic impact projectiles on bystanders, medical personnel, journalists, and other unintended targets, when safe and possible to do so. Directs law enforcement agencies to make efforts to notify local emergency rooms of type of handheld chemical incapacitant, kinetic impact projectile, or tear gas used, when used in a crowd. Requires law enforcement agencies to adopt policies on cleanup of visible debris caused by tear gas and kinetic impact projectiles within reasonable time of use. Permits electronically amplified noise-producing equipment to facilitate movement of emergency vehicle. Allows law enforcement agencies to adopt more stringent policies than required by measure for use of chemical incapacitants, tear gas, kinetic impact projectiles, and electronically amplified noise-producing equipment. Makes conforming amendments. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Implementation of related legislation from 2021
- Need to hire staff to support the Commission on Statewide Law Enforcement Standards of Conduct and Discipline
- Past legislation affecting crowd management tools

**EFFECT OF AMENDMENT:**

Modifies law enforcement agency use of certain crowd management measures. Defines "crowd management." Defines "handheld chemical incapacitant." Excludes tear gas from definition of "handheld chemical incapacitant." Defines "tear gas." Regulates law enforcement agency use of tear gas for crowd management. Prohibits law enforcement agency use of handheld chemical incapacitants or kinetic impact projectiles for crowd management. Prohibits law enforcement agency from discharging a kinetic impact projectile that intentionally targets the head of a person except when use of deadly physical force is justified. Specifies that this restriction does not prohibit a

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law enforcement agency or peace officer from using handheld chemical incapacitants or kinetic impact projectiles against an individual when circumstances justify the use of physical force as specified in statute. Specifies that a law enforcement agency shall minimize the incidental impact of agency's use of handheld chemical incapacitants, tear gas, and kinetic impact projectiles on bystanders, medical personnel, journalists, and other unintended targets, when safe and possible to do so. Directs law enforcement agencies to make efforts to notify local emergency rooms of type of handheld chemical incapacitant, kinetic impact projectile, or tear gas used, when used in a crowd. Requires law enforcement agencies to adopt policies on cleanup of visible debris caused by tear gas and kinetic impact projectiles within reasonable time of use. Permits electronically amplified noise-producing equipment to facilitate movement of emergency vehicle. Allows law enforcement agencies to adopt more stringent policies than required by measure for use of chemical incapacitants, tear gas, kinetic impact projectiles, and electronically amplified noise-producing equipment. Makes conforming amendments.

### **BACKGROUND:**

House Bill 2930 (2021) created the Commission on Statewide Law Enforcement Standards of Conduct and Discipline (Commission). The Commission is responsible for adopting statewide uniform rules through a public process for law enforcement standards of conduct and disciplinary standards.

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 4208 was enacted during the first special session of 2020. It prohibited the use of tear gas by a law enforcement agency for crowd control except in circumstances constituting a riot. House Bill 2928 was enacted in the 2021 regular legislative session and regulated the use of chemical incapacitants (including tear gas), kinetic impact projectiles, and sound devices by law enforcement officials. It also repealed HB 4208. It took effect July 19, 2021.

House Bill 4008 B authorizes the Commission to hire an executive director and support staff and modifies provisions regulating law enforcement's use of of certain devices for crowd management.