

SENATE BILL NO. 1012

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4881S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, and 105.726, RSMo, and to enact in lieu thereof twelve new sections relating to the operation of certain law enforcement agencies, with penalty provisions.

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

Section A. Sections 84.020, 84.030, 84.100, 84.140, 2 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 3 84.344, 84.345, 84.346, 84.347, and 105.726, RSMo, are repealed 4 and twelve new sections enacted in lieu thereof, to be known as 5 sections 84.005, 84.012, 84.020, 84.030, 84.100, 84.140, 6 84.150, 84.160, 84.170, 84.225, 84.325, and 105.726, to read as 7 follows:

84.005. Sections 84.005 to 84.340 shall be known as 2 the "Police Defunding Control Act of 2022".

84.012. In all cities of this state not within a 2 county, the common council or municipal assembly, as the 3 case may be, of such cities may pass ordinances for 4 preserving order, securing property and persons from 5 violence, danger or destruction, protecting public and 6 private property, and for promoting the interests and 7 insuring the good government of the cities; but no 8 ordinances heretofore passed, or that may hereafter be 9 passed, by the common council or municipal assembly of the 10 cities, shall, in any manner, conflict or interfere with the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 powers or the exercise of the powers of the boards of police
12 commissioners of the cities as created by section 84.020,
13 nor shall the cities or any officer or agent of the
14 corporation of the cities, or the mayor thereof, in any
15 manner impede, obstruct, hinder, or interfere with the
16 boards of police or any officer, or agent or servant thereof
17 or thereunder.

84.020. In all cities of this state that now have, or
2 may hereafter attain, a population of five hundred thousand
3 inhabitants or over, there shall be, and is hereby
4 established, within and for said cities, a board of police,
5 to consist of four commissioners, as provided in sections
6 84.040 to 84.080, together with the [mayor] **president of the**
7 **board of aldermen** of said cities for the time being, or
8 whosoever may be officially acting in that capacity, and
9 said board shall appoint one of its members as president,
10 and one member who shall act as vice president during the
11 absence of the president; and such president or vice
12 president shall be the executive officer of the board and
13 shall act for it when the board is not in session.

84.030. Beginning on [January 9, 1989] **August 28, 2022**
2 **and no later than September 28, 2022**, the governor of the
3 state of Missouri, by and with the advice and consent of the
4 senate, shall appoint the four commissioners provided for in
5 section 84.020, and one commissioner shall be appointed for
6 a term of one year; one commissioner shall be appointed for
7 a term of two years; one commissioner shall be appointed for
8 a term of three years; one commissioner shall be appointed
9 for a term of four years. Their successors shall each be
10 appointed for a term of four years, and said commissioners
11 shall hold office for their term of appointment and until
12 their successors shall have been appointed and qualified.

13 In case of a vacancy in said board for any cause whatsoever,
14 it shall be filled by appointment for the unexpired term, in
15 the same manner as in the case of original appointments.
16 The governor shall issue commissions to the persons so
17 appointed, designating the time for which they are appointed
18 in case the appointment is to fill an unexpired term
19 occasioned by death, resignation or any other cause, and
20 whenever the term of office of any commissioner expires, the
21 appointment of his successor shall be for four years. [The
22 commissioners now holding offices under existing laws in any
23 city of this state to which sections 84.010 to 84.340 apply
24 are to hold their offices until the expiration of their
25 terms, and their successors are duly appointed and
26 qualified.]

84.100. To enable the boards to perform the duties
2 imposed upon them, they are hereby authorized and required
3 to appoint, enroll and employ a permanent police force for
4 the cities which they shall equip and arm as they may judge
5 necessary. Except as provided below, the number of
6 patrolmen to be appointed shall not be [more] **less** than one
7 thousand [six] **one** hundred [eighty-three] **forty-two** of which
8 number not more than two hundred fifty are to be
9 probationary patrolmen. Any increase in the number of
10 patrolmen authorized, in addition to that provided for
11 above, shall be permitted upon recommendation by the board
12 of police commissioners, with the approval of the municipal
13 board of estimate and apportionment. [The number of
14 turnkeys to be appointed shall be sixty-five, except that
15 for each patrolman hereafter promoted, demoted, removed,
16 resigned or otherwise separated from the force, an
17 additional turnkey may be appointed, but under no
18 circumstances shall more than one hundred fifty turnkeys be

19 appointed. As each additional turnkey is appointed, the
20 maximum number of patrolmen to be appointed shall be reduced
21 accordingly so that when one hundred fifty turnkeys have
22 been appointed, the number of patrolmen to be appointed
23 shall not be more than one thousand five hundred ninety-
24 eight] **The board may continue to employ as many non-**
25 **commissioned police civilians as it deems necessary in order**
26 **to perform the duties imposed upon them, which shall include**
27 **city marshals and park rangers.**

84.140. The boards shall grant every member of the
2 police force who has served for one year or more a total of
3 three weeks vacation each year with pay, and each member of
4 the police force who has served the department for [twelve]
5 **five** years or more shall receive [four] **five** weeks vacation
6 each year with pay, and each member of the police force who
7 has served the department for [twenty-one] **ten** years or more
8 shall receive [five] **six** weeks vacation each year with pay,
9 and each member of the police force who has served the
10 department for [thirty] **fifteen** years or more [and is
11 eligible to participate in the deferred retirement option
12 plan] shall receive [six] **seven** weeks vacation each year
13 with pay[; however the board may grant an additional week of
14 paid vacation to members after one year of service], **and**
15 **each member of the police force who has served the**
16 **department for twenty years or more shall receive eight**
17 **weeks vacation each year with pay.** All members of the
18 police force shall receive [fifteen] **sixteen** holidays with
19 pay, however the board may grant additional holidays with
20 pay, and one hundred four days off duty each year with pay,
21 and the boards may from time to time grant additional days
22 off duty each year with pay when in the judgment of the

23 boards, the granting thereof will not materially impair the
24 efficiency of the department.

84.150. The **maximum number of** officers of the police
2 force **in each rank** in each such city shall be as follows:
3 one chief of police with the rank of colonel; **one assistant**
4 **chief of police with the rank of lieutenant colonel; four**
5 **additional** lieutenant colonels[, not to exceed five in
6 number and other such ranks and number of members within
7 such ranks as the board from time to time deems necessary];
8 **ten captains; fifty-seven lieutenants; and one hundred and**
9 **eighty-eight sergeants. No further appointments to the rank**
10 **of major shall hereafter be made, but all members of the**
11 **force now holding the rank of major shall continue in such**
12 **rank until their promotion, demotion, removal, resignation,**
13 **or other separation from the force.** The officers of the
14 police force shall have commissions issued to them by the
15 boards of police commissioners, and those heretofore and
16 those hereafter commissioned shall serve so long as they
17 shall faithfully perform their duties and possess the
18 necessary mental and physical ability, and be subject to
19 removal only for cause after a hearing by the board, who are
20 hereby invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006] **2022**, the board of
2 police commissioners shall have the authority to compute and
3 establish the annual salary of each member of the police
4 force without receiving prior authorization from the general
5 assembly, **which shall not be less than the annual salaries**
6 **paid to each member at the time of the enactment of this**
7 **section and which annual salary shall increase by no less**
8 **than four thousand dollars as of July 1, 2023.**

9 2. Each officer of police and patrolman whose regular
10 assignment requires nonuniformed attire may receive, in

11 addition to his or her salary, an allowance not to exceed
12 three hundred sixty dollars per annum payable biweekly.
13 Notwithstanding the provisions of subsection 1 of this
14 section to the contrary, no additional compensation or
15 compensatory time off for overtime, court time, or standby
16 court time shall be paid or allowed to any officer of the
17 rank of [sergeant] **lieutenant** or above. Notwithstanding any
18 other provision of law to the contrary, nothing in this
19 section shall prohibit the payment of additional
20 compensation pursuant to this subsection to officers of the
21 ranks of sergeants and above, provided that funding for such
22 compensation shall not:

23 (1) Be paid from the general funds of either the city
24 or the board of police commissioners of the city; or

25 (2) Be violative of any federal law or other state law.

26 3. It is the duty of the municipal assembly or common
27 council of the cities to make the necessary appropriation
28 for the expenses of the maintenance of the police force in
29 the manner herein and hereafter provided; provided, that in
30 no event shall such municipal assembly or common council be
31 required to appropriate for such purposes (including, but
32 not limited to, costs of funding pensions or retirement
33 plans) for any fiscal year a sum in excess of any limitation
34 imposed by article X, section 21, Missouri Constitution; and
35 provided further, that such municipal assembly or common
36 council may appropriate a sum in excess of such limitation
37 for any fiscal year by an appropriations ordinance enacted
38 in conformity with the provisions of the charter of such
39 cities.

40 4. Notwithstanding the provisions of subsection 1 of
41 this section to the contrary, the board of police
42 commissioners shall pay additional compensation for all

43 hours of service rendered by probationary patrolmen [and],
44 patrolmen, **and sergeants** in excess of the established
45 regular working period, and the rate of compensation shall
46 be one and one-half times the regular hourly rate of pay to
47 which each member shall normally be entitled; except that,
48 the court time and court standby time shall be paid at the
49 regular hourly rate of pay to which each member shall
50 normally be entitled. No credit shall be given or
51 deductions made from payments for overtime for the purpose
52 of retirement benefits.

53 5. Notwithstanding the provisions of subsection 1 of
54 this section to the contrary, probationary patrolmen [and],
55 patrolmen, **and sergeants** shall receive additional
56 compensation for authorized overtime, court time and court
57 standby time whenever the total accumulated time exceeds
58 forty hours. The accumulated forty hours shall be taken as
59 compensatory time off at the officer's discretion with the
60 approval of his supervisor.

61 6. The allowance of compensation or compensatory time
62 off for court standby time shall be computed at the rate of
63 one-third of one hour for each hour spent on court standby
64 time.

65 7. The board of police commissioners [may] **shall**
66 effect programs to provide additional compensation to its
67 employees for successful completion of academic work at an
68 accredited college or university, in amounts not to exceed
69 ten percent of their yearly salaries or for field training
70 officer and lead officer responsibilities in amounts not to
71 exceed three percent of their yearly salaries for field
72 training officer responsibilities and an additional three
73 percent of their yearly salaries for lead officer
74 responsibilities. The board may designate up to one hundred

75 fifty employees as field training officers and up to fifty
76 employees as lead officers.

77 8. The board of police commissioners:

78 (1) Shall provide or contract for life insurance
79 coverage and for insurance benefits providing health,
80 medical and disability coverage for officers and employees
81 of the department;

82 (2) Shall provide or contract for insurance coverage
83 providing salary continuation coverage for officers and
84 employees of the police department;

85 (3) Shall provide health, medical, and life insurance
86 coverage for retired officers and employees of the police
87 department. Health, medical and life insurance coverage
88 shall be made available for purchase to the spouses or
89 dependents of deceased retired officers and employees of the
90 police department who receive pension benefits pursuant to
91 sections 86.200 to 86.364 at the rate that such dependent's
92 or spouse's coverage would cost under the appropriate plan
93 if the deceased were living;

94 (4) May pay an additional shift differential
95 compensation to members of the police force for evening and
96 night tour of duty in an amount not to exceed ten percent of
97 the officer's base hourly rate.

98 9. Notwithstanding the provisions of subsection 1 of
99 this section to the contrary, the board of police
100 commissioners shall pay additional compensation to members
101 of the police force up to and including the rank of police
102 officer for any full hour worked between the hours of 11:00
103 p.m. and 7:00 a.m., in amounts equal to **[five]** **ten** percent
104 of the officer's base hourly pay.

105 10. The board of police commissioners, from time to
106 time and in its discretion, may pay additional compensation

107 to police officers, sergeants and lieutenants by paying
108 commissioned officers in the aforesaid ranks for
109 accumulated, unused vacation time. Any such payments shall
110 be made in increments of not less than forty hours, and at
111 rates equivalent to the base straight-time rates being
112 earned by said officers at the time of payment; except that,
113 no such officer shall be required to accept payment for
114 accumulated unused vacation time.

84.170. 1. When any vacancy shall take place in any
2 grade of officers, it shall be filled from the next lowest
3 grade; provided, however, that probationary patrolmen shall
4 serve at least six months as such before being promoted to
5 the rank of patrolman; patrolmen shall serve at least three
6 years as such before being promoted to the rank of sergeant;
7 sergeants shall serve at least one year as such before being
8 promoted to the rank of lieutenant; lieutenants shall serve
9 at least one year as such before being promoted to the rank
10 of captain; and in no case shall the chief or assistant
11 chief be selected from men not members of the force or below
12 the grade of captain. Patrolmen shall serve at least three
13 years as such before promotion to the rank of detective; the
14 inspector shall be taken from men in the rank not below the
15 grade of lieutenant.

16 2. The boards of police are hereby authorized to make
17 all such rules and regulations, not inconsistent with
18 sections 84.010 to 84.340, or other laws of the state, as
19 they may judge necessary, for the appointment, employment,
20 uniforming, discipline, trial and government of the police.
21 **At the time of the effective date of this act and until such**
22 **time as the board adopts other investigative and**
23 **disciplinary policies and procedures not inconsistent with**
24 **section 590.502, discipline and investigative procedures for**

25 commissioned and civilian employees of the police force
26 shall be regulated by rule 7 of the police manual of the
27 police department in effect as of November 4, 2013, except
28 that where rule 7 is in conflict with section 590.502, the
29 board shall comply with the requirements of section
30 590.502. Under no circumstances shall the board initially
31 or hereafter adopt investigative and disciplinary procedures
32 that do not include the summary hearing board procedures
33 provided for in rule 7 of the police manual of the police
34 department in effect as of November 4, 2013. The said
35 boards shall also have power to require of any officer or
36 policeman bond with sureties when they may consider it
37 demanded by the public interests. All lawful rules and
38 regulations of the board shall be obeyed by the police force
39 on pain of dismissal or such lighter punishment, either by
40 suspension, fine, reduction or forfeiture of pay, or
41 otherwise as the boards may adjudge.

42 3. The authority possessed by the board of police
43 includes, but is not limited to, the authority to delegate
44 portions of its powers authorized in section 84.120,
45 including presiding over a disciplinary hearing, to a
46 hearing officer as determined by the board.

84.225. Any officer or servant of the mayor or common
2 council or municipal assembly of the said cities, or other
3 persons whatsoever, who shall forcibly resist or obstruct
4 the execution or enforcement of any of the provisions of
5 sections 84.010 to 84.340 or relating to the same, or who
6 shall disburse or fail to disburse any money in violation
7 thereof, or who shall hinder or obstruct the organization or
8 maintenance of said board of police, or the police force
9 therein provided to be organized and maintained, or who
10 shall maintain or control any police force other than the

11 one therein provided for, or who shall delay or hinder the
12 due enforcement of sections 84.010 to 84.340 by failing or
13 neglecting to perform the duties by said sections imposed
14 upon him or her, shall be liable to a penalty of one
15 thousand dollars for each and every offense, recoverable by
16 the boards by action at law in the name of the state, and
17 shall forever thereafter be disqualified from holding or
18 exercising any office or employment whatsoever under the
19 mayor or common council or municipal assembly of said
20 cities, or under sections 84.010 to 84.340; provided,
21 however, that nothing in this section shall be construed to
22 interfere with the punishment, under any existing or any
23 future laws of this state, of any criminal offense which
24 shall be committed by the said parties in or about the
25 resistance, obstruction, hindrance, conspiracy, combination,
26 or disbursement aforesaid.

84.325. 1. On August 28, 2022, the board of police
2 commissioners shall assume control of any municipal police
3 force established within any city not within a county
4 according to the procedures and requirements of this section
5 and any rules promulgated under subsection 6 of this
6 section. The purpose of these procedures and requirements
7 is to provide for an orderly and appropriate transition in
8 the governance of the police force and provide for an
9 equitable employment transition for commissioned and
10 civilian personnel.

11 2. Upon the assumption of control by the board of
12 police commissioners under subsection 1 of this section, any
13 municipal police department within any city not within a
14 county shall convey, assign, and otherwise transfer to the
15 board title and ownership of all indebtedness and assets,
16 including, but not limited to, all funds and real and

17 personal property held in the name of or controlled by the
18 municipal police department. Such cities shall thereafter
19 cease the operation of any police department or police force.

20 3. Upon the assumption of control by the board of
21 police commissioners under subsection 1 of this section, the
22 state shall accept responsibility, ownership, and liability
23 as successor-in-interest for contractual obligations and
24 other lawful obligations of the municipal police department.

25 4. The board of police commissioners shall initially
26 employ, without a reduction in rank, salary, or benefits,
27 all commissioned and civilian personnel of the municipal
28 police department that were employed by the municipal police
29 department immediately prior to the date the board assumed
30 control. The board shall recognize all accrued years of
31 service that such commissioned and civilian personnel had
32 with the municipal police department as well as all accrued
33 years of service that such commissioned and civilian
34 personnel had previously with the board of police
35 commissioners. Such personnel shall be entitled to the same
36 holidays, vacation, sick leave, sick bonus time, and annual
37 step-increases they were entitled to as employees of the
38 municipal police department.

39 5. The commissioned and civilian personnel who retire
40 from service with the municipal police department before the
41 board of police commissioners assumed control of the
42 department under subsection 1 of this section shall continue
43 to be entitled to the same pension benefits provided as
44 employees of the municipal police department and the same
45 benefits set forth in subsection 4 of this section.

46 6. The board of police commissioners may promulgate
47 all necessary rules and regulations for the implementation
48 and administration of this section. Any rule or portion of

49 a rule, as that term is defined in section 536.010, that is
50 created under the authority delegated in this section shall
51 become effective only if it complies with and is subject to
52 all of the provisions of chapter 536 and, if applicable,
53 section 536.028. This section and chapter 536 are
54 nonseverable and if any of the powers vested with the
55 general assembly pursuant to chapter 536 to review, to delay
56 the effective date, or to disapprove and annul a rule are
57 subsequently held unconstitutional, then the grant of
58 rulemaking authority and any rule proposed or adopted after
59 August 28, 2022, shall be invalid and void.

105.726. 1. Nothing in sections 105.711 to 105.726
2 shall be construed to broaden the liability of the state of
3 Missouri beyond the provisions of sections 537.600 to
4 537.610, nor to abolish or waive any defense at law which
5 might otherwise be available to any agency, officer, or
6 employee of the state of Missouri. Sections 105.711 to
7 105.726 do not waive the sovereign immunity of the state of
8 Missouri.

9 2. The creation of the state legal expense fund and
10 the payment therefrom of such amounts as may be necessary
11 for the benefit of any person covered thereby are deemed
12 necessary and proper public purposes for which funds of this
13 state may be expended.

14 3. Moneys in the state legal expense fund shall not be
15 available for the payment of any claim or any amount
16 required by any final judgment rendered by a court of
17 competent jurisdiction against a board of police
18 commissioners established under chapter 84, including the
19 commissioners, any police officer, notwithstanding sections
20 84.330 and 84.710, or other provisions of law, other
21 employees, agents, representative, or any other individual

22 or entity acting or purporting to act on its or their
23 behalf. Such was the intent of the general assembly in the
24 original enactment of sections 105.711 to 105.726, and it is
25 made express by this section in light of the decision in
26 *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d
27 275. Except that the commissioner of administration shall
28 reimburse from the legal expense fund the board of police
29 commissioners established under [section 84.350, and any
30 successor-in-interest established pursuant to section
31 84.344,] **chapter 84** for liability claims otherwise eligible
32 for payment under section 105.711 paid by such [board]
33 **boards on a twenty-one equal share basis per claim** up to a
34 maximum of one million dollars per fiscal year.

35 4. [Subject to the provisions of subsection 2 of
36 section 84.345,] If the representation of the attorney
37 general is requested by a board of police commissioners [or
38 its successor-in-interest established pursuant to section
39 84.344], the attorney general shall represent, investigate,
40 defend, negotiate, or compromise all claims under sections
41 105.711 to 105.726 for the board of police commissioners,
42 its successor-in-interest pursuant to section 84.344, any
43 police officer, other employees, agents, representatives, or
44 any other individual or entity acting or purporting to act
45 on their behalf. The attorney general may establish
46 procedures by rules promulgated under chapter 536 under
47 which claims must be referred for the attorney general's
48 representation. The attorney general and the officials of
49 the city which the police board represents [or represented]
50 shall meet and negotiate reasonable expenses or charges that
51 will fairly compensate the attorney general and the office
52 of administration for the cost of the representation of the
53 claims under this section.

54 5. Claims tendered to the attorney general promptly
55 after the claim was asserted as required by section 105.716
56 and prior to August 28, 2005, may be investigated, defended,
57 negotiated, or compromised by the attorney general and full
58 payments may be made from the state legal expense fund on
59 behalf of the entities and individuals described in this
60 section as a result of the holding in *Wayman Smith, III, et*
61 *al. v. State of Missouri*, 152 S.W.3d 275.

2 [84.175. 1. Upon recommendation of the
3 chief of police, the board may authorize and
4 provide for the organization of a police reserve
5 force composed of members who receive a service
6 retirement under the provisions of sections
7 86.200 to 86.366 and who qualify under the
8 provisions of section 84.120. Such reserve
9 force shall be under the command of the chief of
10 police and shall be provided training,
11 equipment, uniforms, and arms as the chief shall
12 direct with the approval of the board. Members
13 of the reserve force shall possess all of the
14 powers of regular police officers and shall be
15 subject to all laws and regulations applicable
16 to police officers; provided, however, that the
17 city council or other governing body of any such
18 city may in its discretion fix a total in number
19 which the reserve force may not exceed.

20 2. In event of riot or other emergencies
21 as declared and defined by the mayor, in
22 concurrence with the board, the board, upon
23 recommendation of the chief, may appoint special
24 officers or patrolmen for temporary service in
25 addition to the police reserve force herein
26 provided for, but the length of time for which
27 such officers or patrolmen shall be employed
28 shall be limited to the time during which such
emergency shall exist.]

2 [84.240. The board of police commissioners
3 shall establish the Bertillon system of
4 identification of criminals and others by means
5 of anthropometric indications, and they are
6 further required to employ such additional
7 assistance as may be necessary to properly
conduct and manage this department.]

2 [84.341. No elected or appointed official
3 of the state or any political subdivision
4 thereof shall act or refrain from acting in any
5 manner to impede, obstruct, hinder, or otherwise
6 interfere with any member of a municipal police
force established under sections 84.343 to

7 84.346 in the performance of his or her job
8 duties, or with any aspect of any investigation
9 arising from the performance of such job
10 duties. This section shall not be construed to
11 prevent such officials from acting within the
12 normal course and scope of their employment or
13 from acting to implement sections 84.343 to
14 84.346. Any person who violates this section
15 shall be liable for a penalty of two thousand
16 five hundred dollars for each offense and shall
17 forever be disqualified from holding any office
18 or employment whatsoever with the governmental
19 entity the person served at the time of the
20 violation. The penalty shall not be paid by the
21 funds of any committee as the term committee is
22 defined in section 130.011. This section shall
23 not be construed to interfere with the
24 punishment, under any laws of this state, of a
25 criminal offense committed by such officials,
26 nor shall this section apply to duly appointed
27 members of the municipal police force, or their
28 appointing authorities, whose conduct is
29 otherwise provided for by law.]

2 [84.342. 1. It shall be an unlawful
3 employment practice for an official, employee,
4 or agent of a municipal police force established
5 under sections 84.343 to 84.346 to discharge,
6 demote, reduce the pay of, or otherwise
7 retaliate against an employee of the municipal
8 police force for reporting to any superior,
9 government agency, or the press the conduct of
10 another employee that the reporting employee
11 believes, in good faith, is illegal.
12 2. Any employee of the municipal police
13 force may bring a cause of action for general or
14 special damages based on a violation of this
section.]

2 [84.343. 1. Subject to the provisions of
3 sections 84.344 to 84.346, any city not within a
4 county may establish a municipal police force
5 for the purposes of:
6 (1) Preserving the public peace, welfare,
7 and order;
8 (2) Preventing crime and arresting
9 suspected offenders;
10 (3) Enforcing the laws of the state and
11 ordinances of the city;
12 (4) Exercising all powers available to a
13 police force under generally applicable state
14 law; and
15 (5) Regulating and licensing all private
16 watchmen, private detectives, and private
17 policemen serving or acting as such in said city.
18 2. Any person who acts as a private
19 watchman, private detective, or private
policeman in said cities without having obtained

20 a written license from said cities is guilty of
21 a class A misdemeanor.]

2 [84.344. 1. Notwithstanding any
3 provisions of this chapter to the contrary, any
4 city not within a county may establish a
5 municipal police force on or after July 1, 2013,
6 according to the procedures and requirements of
7 this section. The purpose of these procedures
8 and requirements is to provide for an orderly
9 and appropriate transition in the governance of
10 the police force and provide for an equitable
11 employment transition for commissioned and
12 civilian personnel.

13 2. Upon the establishment of a municipal
14 police force by a city under sections 84.343 to
15 84.346, the board of police commissioners shall
16 convey, assign, and otherwise transfer to the
17 city title and ownership of all indebtedness and
18 assets, including, but not limited to, all funds
19 and real and personal property held in the name
20 of or controlled by the board of police
21 commissioners created under sections 84.010 to
22 84.340. The board of police commissioners shall
23 execute all documents reasonably required to
24 accomplish such transfer of ownership and
25 obligations.

26 3. If the city establishes a municipal
27 police force and completes the transfer
28 described in subsection 2 of this section, the
29 city shall provide the necessary funds for the
30 maintenance of the municipal police force.

31 4. Before a city not within a county may
32 establish a municipal police force under this
33 section, the city shall adopt an ordinance
34 accepting responsibility, ownership, and
35 liability as successor-in-interest for
36 contractual obligations, indebtedness, and other
37 lawful obligations of the board of police
38 commissioners subject to the provisions of
39 subsection 2 of section 84.345.

40 5. A city not within a county that
41 establishes a municipal police force shall
42 initially employ, without a reduction in rank,
43 salary, or benefits, all commissioned and
44 civilian personnel of the board of police
45 commissioners created under sections 84.010 to
46 84.340 that were employed by the board
47 immediately prior to the date the municipal
48 police force was established. Such commissioned
49 personnel who previously were employed by the
50 board may only be involuntarily terminated by
51 the city not within a county for cause. The
52 city shall also recognize all accrued years of
53 service that such commissioned and civilian
54 personnel had with the board of police
55 commissioners. Such personnel shall be entitled

55 to the same holidays, vacation, and sick leave
56 they were entitled to as employees of the board
57 of police commissioners.

58 6. (1) Commissioned and civilian
59 personnel of a municipal police force
60 established under this section who are hired
61 prior to September 1, 2023, shall not be subject
62 to a residency requirement of retaining a
63 primary residence in a city not within a county
64 but may be required to maintain a primary
65 residence located within a one-hour response
66 time.

67 (2) Commissioned and civilian personnel of
68 a municipal police force established under this
69 section who are hired after August 31, 2023, may
70 be subject to a residency rule no more
71 restrictive than a requirement of retaining a
72 primary residence in a city not within a county
73 for a total of seven years and of then allowing
74 the personnel to maintain a primary residence
75 outside the city not within a county so long as
76 the primary residence is located within a one-
77 hour response time.

78 7. The commissioned and civilian personnel
79 who retire from service with the board of police
80 commissioners before the establishment of a
81 municipal police force under subsection 1 of
82 this section shall continue to be entitled to
83 the same pension benefits provided under chapter
84 86 and the same benefits set forth in subsection
85 5 of this section.

86 8. If the city not within a county elects
87 to establish a municipal police force under this
88 section, the city shall establish a separate
89 division for the operation of its municipal
90 police force. The civil service commission of
91 the city may adopt rules and regulations
92 appropriate for the unique operation of a police
93 department. Such rules and regulations shall
94 reserve exclusive authority over the
95 disciplinary process and procedures affecting
96 commissioned officers to the civil service
97 commission; however, until such time as the city
98 adopts such rules and regulations, the
99 commissioned personnel shall continue to be
100 governed by the board of police commissioner's
101 rules and regulations in effect immediately
102 prior to the establishment of the municipal
103 police force, with the police chief acting in
104 place of the board of police commissioners for
105 purposes of applying the rules and regulations.
106 Unless otherwise provided for, existing civil
107 service commission rules and regulations
108 governing the appeal of disciplinary decisions
109 to the civil service commission shall apply to
110 all commissioned and civilian personnel. The
111 civil service commission's rules and regulations

112 shall provide that records prepared for
113 disciplinary purposes shall be confidential,
114 closed records available solely to the civil
115 service commission and those who possess
116 authority to conduct investigations regarding
117 disciplinary matters pursuant to the civil
118 service commission's rules and regulations. A
119 hearing officer shall be appointed by the civil
120 service commission to hear any such appeals that
121 involve discipline resulting in a suspension of
122 greater than fifteen days, demotion, or
123 termination, but the civil service commission
124 shall make the final findings of fact,
125 conclusions of law, and decision which shall be
126 subject to any right of appeal under chapter 536.

127 9. A city not within a county that
128 establishes and maintains a municipal police
129 force under this section:

130 (1) Shall provide or contract for life
131 insurance coverage and for insurance benefits
132 providing health, medical, and disability
133 coverage for commissioned and civilian personnel
134 of the municipal police force to the same extent
135 as was provided by the board of police
136 commissioners under section 84.160;

137 (2) Shall provide or contract for medical
138 and life insurance coverage for any commissioned
139 or civilian personnel who retired from service
140 with the board of police commissioners or who
141 were employed by the board of police
142 commissioners and retire from the municipal
143 police force of a city not within a county to
144 the same extent such medical and life insurance
145 coverage was provided by the board of police
146 commissioners under section 84.160;

147 (3) Shall make available medical and life
148 insurance coverage for purchase to the spouses
149 or dependents of commissioned and civilian
150 personnel who retire from service with the board
151 of police commissioners or the municipal police
152 force and deceased commissioned and civilian
153 personnel who receive pension benefits under
154 sections 86.200 to 86.366 at the rate that such
155 dependent's or spouse's coverage would cost
156 under the appropriate plan if the deceased were
157 living; and

158 (4) May pay an additional shift
159 differential compensation to commissioned and
160 civilian personnel for evening and night tours
161 of duty in an amount not to exceed ten percent
162 of the officer's base hourly rate.

163 10. A city not within a county that
164 establishes a municipal police force under
165 sections 84.343 to 84.346 shall establish a
166 transition committee of five members for the
167 purpose of: coordinating and implementing the
168 transition of authority, operations, assets, and

169 obligations from the board of police
170 commissioners to the city; winding down the
171 affairs of the board; making nonbinding
172 recommendations for the transition of the police
173 force from the board to the city; and other
174 related duties, if any, established by executive
175 order of the city's mayor. Once the ordinance
176 referenced in this section is enacted, the city
177 shall provide written notice to the board of
178 police commissioners and the governor of the
179 state of Missouri. Within thirty days of such
180 notice, the mayor shall appoint three members to
181 the committee, two of whom shall be members of a
182 statewide law enforcement association that
183 represents at least five thousand law
184 enforcement officers. The remaining members of
185 the committee shall include the police chief of
186 the municipal police force and a person who
187 currently or previously served as a commissioner
188 on the board of police commissioners, who shall
189 be appointed to the committee by the mayor of
190 such city.]

2 [84.345. 1. Except as required for the
3 board of police commissioners to conclude its
4 affairs and pursue legal claims and defenses,
5 upon the establishment of a municipal police
6 force, the terms of office of the commissioners
7 of the board of police created under sections
8 84.020 and 84.030 shall expire, and the
9 provisions of sections 84.010 to 84.340 shall
10 not apply to any city not within a county or its
11 municipal police force as of such date. The
12 board shall continue to operate, if necessary,
13 to wind down the board's affairs until the
14 transfer of ownership and obligations under
15 subsection 2 of section 84.344 has been
16 completed. During such time, the board of
17 police commissioners shall designate and
18 authorize its secretary to act on behalf of the
19 board for purposes of performing the board's
20 duties and any other actions incident to the
21 transfer and winding down of the board's affairs.
22 2. For any claim, lawsuit, or other action
23 arising out of actions occurring before the date
24 of completion of the transfer provided under
25 subsection 2 of section 84.344, the state shall
26 continue to provide legal representation as set
27 forth in section 105.726, and the state legal
28 expense fund shall continue to provide
29 reimbursement for such claims under section
30 105.726. This subsection applies to all claims,
31 lawsuits, and other actions brought against any
32 commissioner, police officer, employee, agent,
33 representative, or any individual or entity
34 acting or purporting to act on its or their
behalf.]

35 3. Notwithstanding any other provision of
36 law, rule, or regulation to the contrary, any
37 city not within a county that establishes a
38 municipal police force under sections 84.343 to
39 84.346 shall not be restricted or limited in any
40 way in the selection of a police chief or chief
41 of the division created under subsection 8 of
42 section 84.344.

43 4. It shall be the duty of the sheriff for
44 any city not within a county, whenever called
45 upon by the police chief of the municipal police
46 force, to act under the police chief's control
47 for the preservation of the public peace and
48 quiet; and, whenever the exigency or
49 circumstances may, in the police chief's
50 judgment, warrant it, said police chief shall
51 have the power to assume the control and command
52 of all local and municipal conservators of the
53 peace of the city, whether sheriff, constable,
54 policemen or others, and they shall act under
55 the orders of the said police chief and not
56 otherwise.]

2 [84.346. Any police pension system created
3 under chapter 86 for the benefit of a police
4 force established under sections 84.010 to
5 84.340 shall continue to be governed by chapter
6 86, and shall apply to any police force
7 established under section 84.343 to 84.346.
8 Other than any provision that makes chapter 86
9 applicable to a municipal police force
10 established under section 84.343 to 84.346,
11 nothing in sections 84.343 to 84.346 shall be
12 construed as limiting or changing the rights or
benefits provided under chapter 86.]

2 [84.347. Notwithstanding the provisions of
3 section 1.140 to the contrary, the provisions of
4 sections 84.343 to 84.346 shall be
5 nonseverable. If any provision of sections
6 84.343 to 84.346 is for any reason held to be
7 invalid, such decision shall invalidate all of
the remaining provisions of this act.]

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