

# SENATE BILL NO. 1413

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

5602S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 84.020, 84.030, 84.100, 84.150, 84.160, 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 nine 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, 84.150, 2 84.160, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 3 84.346, 84.347, and 105.726, RSMo, are repealed and nine new 4 sections enacted in lieu thereof, to be known as sections 5 84.012, 84.020, 84.030, 84.100, 84.150, 84.160, 84.225, 84.325, 6 and 105.726, to read as follows:

**84.012. In any charter county with more than four**  
2 **hundred thousand but fewer than five hundred thousand**  
3 **inhabitants, the governing body of such county may pass**  
4 **ordinances for preserving order; securing property and**  
5 **persons from violence, danger, or destruction; protecting**  
6 **public and private property; and promoting the interests and**  
7 **ensuring the good governance of the county, but no**  
8 **ordinances heretofore passed, or that may hereafter be**  
9 **passed, by the governing body of the county shall, in any**  
10 **manner, conflict or interfere with the powers or the**  
11 **exercise of the powers of the boards of police commissioners**  
12 **of the county as created by section 84.020, nor shall the**  
13 **county or any officer or agent of the corporation of the**

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

14 **county, or the county executive thereof, in any manner**  
15 **impede, obstruct, hinder, or interfere with the boards of**  
16 **police, any officer, agent, or servant thereof 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] **any charter county with more than four**  
4 **hundred thousand but less than five hundred thousand**  
5 **inhabitants**, there shall be, and is hereby established,  
6 within and for said [cities] **county**, a board of police, to  
7 consist of four commissioners, as provided in sections  
8 84.040 to 84.080, together with the [mayor of said cities]  
9 **county executive of the county** for the time being, or  
10 whosoever may be officially acting in that capacity, and  
11 said board shall appoint one of its members as president,  
12 and one member who shall act as vice president during the  
13 absence of the president; and such president or vice  
14 president shall be the executive officer of the board and  
15 shall act for it when the board is not in session.

84.030. Beginning on [January 9, 1989] **August 28,**  
2 **2024, and no later than September 28, 2024**, the governor of  
3 the state of Missouri, by and with the advice and consent of  
4 the senate, shall appoint the four commissioners provided  
5 for in section 84.020, and one commissioner shall be  
6 appointed for a term of one year; one commissioner shall be  
7 appointed for a term of two years; one commissioner shall be  
8 appointed for a term of three years; one commissioner shall  
9 be appointed for a term of four years. Their successors  
10 shall each be appointed for a term of four years, and said  
11 commissioners shall hold office for their term of  
12 appointment and until their successors shall have been  
13 appointed and qualified. In case of a vacancy in said board  
14 for any cause whatsoever, it shall be filled by appointment

15 for the unexpired term, in the same manner as in the case of  
16 original appointments. The governor shall issue commissions  
17 to the persons so appointed, designating the time for which  
18 they are appointed in case the appointment is to fill an  
19 unexpired term occasioned by death, resignation or any other  
20 cause, and whenever the term of office of any commissioner  
21 expires, the appointment of his successor shall be for four  
22 years. [The commissioners now holding offices under  
23 existing laws in any city of this state to which sections  
24 84.010 to 84.340 apply are to hold their offices until the  
25 expiration of their terms, and their successors are duly  
26 appointed and 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] **only one** permanent police  
4 force for the [cities] **county** which they shall equip and arm  
5 as they may judge necessary. Except as provided below, the  
6 number of patrolmen to be appointed shall not be [more] **less**  
7 than one thousand [six] **three** hundred [eighty-three]  
8 **thirteen**, of which number not more than two hundred fifty  
9 are to be probationary patrolmen. Any increase in the  
10 number of patrolmen authorized, in addition to that provided  
11 for above, shall be permitted upon recommendation by the  
12 board of police commissioners, with the approval of the  
13 [municipal board] **governing body of the county** of estimate  
14 and apportionment. [The number of turnkeys to be appointed  
15 shall be sixty-five, except that for each patrolman  
16 hereafter promoted, demoted, removed, resigned or otherwise  
17 separated from the force, an additional turnkey may be  
18 appointed, but under no circumstances shall more than one  
19 hundred fifty turnkeys be appointed. As each additional  
20 turnkey is appointed, the maximum number of patrolmen to be

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

84.150. The **maximum number of** officers of the police  
2 force in each such [city] county shall be as follows: [one  
3 chief of police with the rank of colonel; lieutenant  
4 colonels, not to exceed five in number and other such ranks  
5 and number of members within such ranks as the board from  
6 time to time deems necessary] **seventy-six commissioned**  
7 **officers at the rank of lieutenant and above; two hundred**  
8 **commissioned officers at the rank of sergeant; and one**  
9 **thousand thirty-seven commissioned officers at the rank of**  
10 **patrolman.** The officers of the police force shall have  
11 commissions issued to them by the boards of police  
12 commissioners, and those heretofore and those hereafter  
13 commissioned shall serve so long as they shall faithfully  
14 perform their duties and possess the necessary mental and  
15 physical ability, and be subject to removal only for cause  
16 after a hearing by the board, who are hereby invested with  
17 exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006] **2024**, 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 salary**  
6 **paid to any member at the time of the enactment of this act.**

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

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

21 (1) Be paid from the general funds of either the  
22 **[city] county** or the board of police commissioners of the  
23 city; or

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

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

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.

84.225. Any officer or servant of the county executive  
2 or governing body of the county, or other persons  
3 whatsoever, who forcibly resists or obstructs the execution  
4 or enforcement of any of the provisions of sections 84.012  
5 to 84.340 or relating to the same, or who disburses or fails  
6 to disburse any money in violation thereof, or who hinders  
7 or obstructs the organization or maintenance of the board of  
8 police or the police force therein provided to be organized  
9 and maintained, or who maintains or controls any police  
10 force other than the one therein provided for, or who delays  
11 or hinders the due enforcement of sections 84.012 to 84.340  
12 by failing or neglecting to perform the duties by such  
13 sections imposed upon him or her, shall be subject to a  
14 penalty of one thousand dollars for each offense,  
15 recoverable by the boards by action at law in the name of  
16 the state, and shall forever thereafter be disqualified from  
17 holding or exercising any office or employment whatsoever  
18 under the county executive or governing body of the county,  
19 or under sections 84.012 to 84.340; provided that, nothing  
20 in this section shall be construed to interfere with the



21 punishment, under any existing or any future laws of this  
22 state, of any criminal offense that is committed by the  
23 parties in or about the resistance, obstruction, hindrance,  
24 conspiracy, combination, or disbursement aforesaid.

84.325. 1. On August 28, 2024, the board of police  
2 commissioners shall assume control of any police force of  
3 any charter county with more than four hundred thousand but  
4 fewer than five hundred thousand inhabitants, according to  
5 the procedures and requirements of this section and any  
6 rules promulgated under subsection 6 of this section. The  
7 purpose of these procedures and requirements is to provide  
8 for an orderly and appropriate transition in the governance  
9 of the police force and provide for an equitable employment  
10 transition for commissioned and civilian personnel.

11 2. Upon the assumption of control by the board of  
12 police commissioners under subsection 1 of this section, any  
13 police department shall convey, assign, and otherwise  
14 transfer to the board title and ownership of all  
15 indebtedness and assets, including, but not limited to, all  
16 funds and real and personal property held in the name of or  
17 controlled by the municipal police department. Such county  
18 shall thereafter cease the operation of any police  
19 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 county 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 police  
28 department who were employed by the police department

29 immediately prior to the date the board assumed control.  
30 The board shall recognize all accrued years of service that  
31 such commissioned and civilian personnel had with the police  
32 department, as well as all accrued years of service that  
33 such commissioned and civilian personnel had previously with  
34 the board of police commissioners. Such personnel shall be  
35 entitled to the same holidays, vacation, sick leave, sick  
36 bonus time, and annual step-increases they were entitled to  
37 as employees of the police department.

38 5. The commissioned and civilian personnel who retire  
39 from service with the police department before the board of  
40 police commissioners assumes control of the department under  
41 subsection 1 of this section shall continue to be entitled  
42 to the same pension benefits provided as employees of the  
43 police department and the same benefits set forth in  
44 subsection 5 of this section. Any police pension system  
45 created under chapter 86 for the benefit of a police force  
46 established under sections 84.012 to 84.340 shall continue  
47 to be governed by chapter 86 and shall apply to any  
48 comprehensive policing plan and any police force established  
49 under sections 84.012 to 84.340. Other than any provision  
50 that makes chapter 86 applicable to a police force  
51 established under sections 84.343 to 84.346, nothing in  
52 sections 84.012 to 84.340 shall be construed as limiting or  
53 changing the rights or benefits provided under chapter 86.

54 6. The board of police commissioners may promulgate  
55 all necessary rules and regulations for the implementation  
56 and administration of this section. Any rule or portion of  
57 a rule, as that term is defined in section 536.010, that is  
58 created under the authority delegated in this section shall  
59 become effective only if it complies with and is subject to  
60 all of the provisions of chapter 536 and, if applicable,

61 **section 536.028. This section and chapter 536 are**  
62 **nonseverable and if any of the powers vested with the**  
63 **general assembly pursuant to chapter 536 to review, to delay**  
64 **the effective date, or to disapprove and annul a rule are**  
65 **subsequently held unconstitutional, then the grant of**  
66 **rulemaking authority and any rule proposed or adopted after**  
67 **August 28, 2024, 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 an equal share basis per claim** up to a maximum of  
34 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] **county** which the police board represents [or  
50 represented] shall meet and negotiate reasonable expenses or  
51 charges that will fairly compensate the attorney general and  
52 the office of administration for the cost of the  
53 representation of the 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  
of the state or any political subdivision

3           thereof shall act or refrain from acting in any  
4           manner to impede, obstruct, hinder, or otherwise  
5           interfere with any member of a municipal police  
6           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.]

          [84.342. 1. It shall be an unlawful  
2          employment practice for an official, employee,  
3          or agent of a municipal police force established  
4          under sections 84.343 to 84.346 to discharge,  
5          demote, reduce the pay of, or otherwise  
6          retaliate against an employee of the municipal  
7          police force for reporting to any superior,  
8          government agency, or the press the conduct of  
9          another employee that the reporting employee  
10          believes, in good faith, is illegal.

          2. Any employee of the municipal police  
12          force may bring a cause of action for general or  
13          special damages based on a violation of this  
14          section.]

          [84.343. 1. Subject to the provisions of  
2          sections 84.344 to 84.346, any city not within a

3 county may establish a municipal police force  
4 for the purposes of:

5 (1) Preserving the public peace, welfare,  
6 and order;

7 (2) Preventing crime and arresting  
8 suspected offenders;

9 (3) Enforcing the laws of the state and  
10 ordinances of the city;

11 (4) Exercising all powers available to a  
12 police force under generally applicable state  
13 law; and

14 (5) Regulating and licensing all private  
15 watchmen, private detectives, and private  
16 policemen serving or acting as such in said city.

17 2. Any person who acts as a private  
18 watchman, private detective, or private  
19 policeman in said cities without having obtained  
20 a written license from said cities is guilty of  
21 a class A misdemeanor.]

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

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

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

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

39           5. A city not within a county that  
40 establishes a municipal police force shall  
41 initially employ, without a reduction in rank,  
42 salary, or benefits, all commissioned and  
43 civilian personnel of the board of police  
44 commissioners created under sections 84.010 to  
45 84.340 that were employed by the board  
46 immediately prior to the date the municipal  
47 police force was established. Such commissioned  
48 personnel who previously were employed by the  
49 board may only be involuntarily terminated by  
50 the city not within a county for cause. The  
51 city shall also recognize all accrued years of  
52 service that such commissioned and civilian  
53 personnel had with the board of police  
54 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. Commissioned and civilian personnel of  
59 a municipal police force established under this  
60 section shall not be subject to a residency  
61 requirement of retaining a primary residence in  
62 a city not within a county but may be required  
63 to maintain a primary residence located within a  
64 one-hour response time.

65           7. The commissioned and civilian personnel  
66 who retire from service with the board of police  
67 commissioners before the establishment of a  
68 municipal police force under subsection 1 of



69 this section shall continue to be entitled to  
70 the same pension benefits provided under chapter  
71 86 and the same benefits set forth in subsection  
72 5 of this section.

73 8. If the city not within a county elects  
74 to establish a municipal police force under this  
75 section, the city shall establish a separate  
76 division for the operation of its municipal  
77 police force. The civil service commission of  
78 the city may adopt rules and regulations  
79 appropriate for the unique operation of a police  
80 department. Such rules and regulations shall  
81 reserve exclusive authority over the  
82 disciplinary process and procedures affecting  
83 commissioned officers to the civil service  
84 commission; however, until such time as the city  
85 adopts such rules and regulations, the  
86 commissioned personnel shall continue to be  
87 governed by the board of police commissioner's  
88 rules and regulations in effect immediately  
89 prior to the establishment of the municipal  
90 police force, with the police chief acting in  
91 place of the board of police commissioners for  
92 purposes of applying the rules and regulations.  
93 Unless otherwise provided for, existing civil  
94 service commission rules and regulations  
95 governing the appeal of disciplinary decisions  
96 to the civil service commission shall apply to  
97 all commissioned and civilian personnel. The  
98 civil service commission's rules and regulations  
99 shall provide that records prepared for  
100 disciplinary purposes shall be confidential,  
101 closed records available solely to the civil  
102 service commission and those who possess  
103 authority to conduct investigations regarding  
104 disciplinary matters pursuant to the civil  
105 service commission's rules and regulations. A  
106 hearing officer shall be appointed by the civil  
107 service commission to hear any such appeals that  
108 involve discipline resulting in a suspension of  
109 greater than fifteen days, demotion, or  
110 termination, but the civil service commission  
111 shall make the final findings of fact,

112 conclusions of law, and decision which shall be  
113 subject to any right of appeal under chapter 536.

114 9. A city not within a county that  
115 establishes and maintains a municipal police  
116 force under this section:

117 (1) Shall provide or contract for life  
118 insurance coverage and for insurance benefits  
119 providing health, medical, and disability  
120 coverage for commissioned and civilian personnel  
121 of the municipal police force to the same extent  
122 as was provided by the board of police  
123 commissioners under section 84.160;

124 (2) Shall provide or contract for medical  
125 and life insurance coverage for any commissioned  
126 or civilian personnel who retired from service  
127 with the board of police commissioners or who  
128 were employed by the board of police  
129 commissioners and retire from the municipal  
130 police force of a city not within a county to  
131 the same extent such medical and life insurance  
132 coverage was provided by the board of police  
133 commissioners under section 84.160;

134 (3) Shall make available medical and life  
135 insurance coverage for purchase to the spouses  
136 or dependents of commissioned and civilian  
137 personnel who retire from service with the board  
138 of police commissioners or the municipal police  
139 force and deceased commissioned and civilian  
140 personnel who receive pension benefits under  
141 sections 86.200 to 86.366 at the rate that such  
142 dependent's or spouse's coverage would cost  
143 under the appropriate plan if the deceased were  
144 living; and

145 (4) May pay an additional shift  
146 differential compensation to commissioned and  
147 civilian personnel for evening and night tours  
148 of duty in an amount not to exceed ten percent  
149 of the officer's base hourly rate.

150 10. A city not within a county that  
151 establishes a municipal police force under  
152 sections 84.343 to 84.346 shall establish a  
153 transition committee of five members for the  
154 purpose of: coordinating and implementing the  
155 transition of authority, operations, assets, and

156 obligations from the board of police  
157 commissioners to the city; winding down the  
158 affairs of the board; making nonbinding  
159 recommendations for the transition of the police  
160 force from the board to the city; and other  
161 related duties, if any, established by executive  
162 order of the city's mayor. Once the ordinance  
163 referenced in this section is enacted, the city  
164 shall provide written notice to the board of  
165 police commissioners and the governor of the  
166 state of Missouri. Within thirty days of such  
167 notice, the mayor shall appoint three members to  
168 the committee, two of whom shall be members of a  
169 statewide law enforcement association that  
170 represents at least five thousand law  
171 enforcement officers. The remaining members of  
172 the committee shall include the police chief of  
173 the municipal police force and a person who  
174 currently or previously served as a commissioner  
175 on the board of police commissioners, who shall  
176 be appointed to the committee by the mayor of  
177 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  
transfer and winding down of the board's affairs.

21           2. For any claim, lawsuit, or other action  
22 arising out of actions occurring before the date  
23 of completion of the transfer provided under  
24 subsection 2 of section 84.344, the state shall  
25 continue to provide legal representation as set  
26 forth in section 105.726, and the state legal  
27 expense fund shall continue to provide  
28 reimbursement for such claims under section  
29 105.726. This subsection applies to all claims,  
30 lawsuits, and other actions brought against any  
31 commissioner, police officer, employee, agent,  
32 representative, or any individual or entity  
33 acting or purporting to act on its or their  
34 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.]

          [84.346. Any police pension system created  
2 under chapter 86 for the benefit of a police  
3 force established under sections 84.010 to  
4 84.340 shall continue to be governed by chapter  
5 86, and shall apply to any police force  
6 established under section 84.343 to 84.346.  
7 Other than any provision that makes chapter 86

8 applicable to a municipal police force  
9 established under section 84.343 to 84.346,  
10 nothing in sections 84.343 to 84.346 shall be  
11 construed as limiting or changing the rights or  
12 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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