

FIRST REGULAR SESSION

# SENATE BILL NO. 44

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

1219S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 105.726, 304.012, 556.061, 568.045, 574.050, and 575.150, RSMo, and to enact in lieu thereof seventeen new sections relating to public safety, 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, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 3 84.345, 84.346, 84.347, 105.726, 304.012, 556.061, 568.045, 4 574.050, and 575.150, RSMo, are repealed and seventeen new 5 sections enacted in lieu thereof, to be known as sections 6 84.012, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.225, 7 84.325, 105.726, 304.012, 304.145, 556.061, 568.045, 574.050, 8 575.150, and 590.208, to read as follows:

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

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

12 **84.020, nor shall the cities or any officer or agent of the**  
13 **corporation of the cities, or the mayor thereof, in any**  
14 **manner impede, obstruct, hinder, or interfere with the**  
15 **boards of police, any officer, agent, or servant thereof or**  
16 **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] **not within a county**, there shall be,  
4 and is hereby established, within and for said cities, a  
5 board of police, to consist of four commissioners, as  
6 provided in sections 84.040 to 84.080, together with the  
7 mayor of said cities for the time being, or whosoever may be  
8 officially acting in that capacity, and said board shall  
9 appoint one of its members as president, and one member who  
10 shall act as vice president during the absence of the  
11 president; and such president or vice president shall be the  
12 executive officer of the board and shall act for it when the  
13 board is not in session.

84.030. Beginning on [January 9, 1989] **August 28,**  
2 **2025, and no later than September 28, 2025,** 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 which they shall equip and arm as they  
5 may judge necessary. Except as provided below, the number  
6 of patrolmen to be appointed shall not be [more] **less** than  
7 one thousand [six] **three** hundred [eighty-three] **thirteen**, of  
8 which 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**  
25 **noncommissioned police civilians, which shall include city**  
26 **marshals and park rangers, as it deems necessary in order to**  
27 **perform the duties imposed upon it.**

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

84.160. 1. As of August 28, [2006] **2025**, 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 city  
22 or the board of police commissioners of the city; or

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

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

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

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

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

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

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

73 fifty employees as field training officers and up to fifty  
74 employees as lead officers.

75 8. The board of police commissioners:

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

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

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

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

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

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

105 to police officers, sergeants and lieutenants by paying  
106 commissioned officers in the aforesaid ranks for  
107 accumulated, unused vacation time. Any such payments shall  
108 be made in increments of not less than forty hours, and at  
109 rates equivalent to the base straight-time rates being  
110 earned by said officers at the time of payment; except that,  
111 no such officer shall be required to accept payment for  
112 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 cities, or other  
3 persons whatsoever, who forcibly resists or obstructs the  
4 execution or enforcement of any of the provisions of  
5 sections 84.012 to 84.340 or relating to the same, or who  
6 disburses or fails to disburse any money in violation  
7 thereof, or who hinders or obstructs the organization or  
8 maintenance of the board of police or the police force  
9 therein provided to be organized and maintained, or who  
10 maintains or controls any police force other than the one

11 therein provided for, or who delays or hinders the due  
12 enforcement of sections 84.012 to 84.340 by failing or  
13 neglecting to perform the duties by such sections imposed  
14 upon him or her, shall be subject to a penalty of one  
15 thousand dollars for each offense, recoverable by the boards  
16 by action at law in the name of the state, and shall forever  
17 thereafter be disqualified from holding or exercising any  
18 office or employment whatsoever under the mayor or common  
19 council or municipal assembly of such cities, or under  
20 sections 84.012 to 84.340; provided that, nothing in this  
21 section shall be construed to interfere with the punishment,  
22 under any existing or any future laws of this state, of any  
23 criminal offense that is committed by the parties in or  
24 about the resistance, obstruction, hindrance, conspiracy,  
25 combination, or disbursement aforesaid.

84.325. 1. On August 28, 2025, 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 city 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 who 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 5 of this section. Any  
46 police pension system created under chapter 86 for the  
47 benefit of a police force established under sections 84.012  
48 to 84.340 shall continue to be governed by chapter 86 and  
49 shall apply to any comprehensive policing plan and any

50 police force established under sections 84.012 to 84.340.  
51 Other than any provision that makes chapter 86 applicable to  
52 a municipal police force established under sections 84.343  
53 to 84.346, nothing in sections 84.012 to 84.340 shall be  
54 construed as limiting or changing the rights or benefits  
55 provided under chapter 86.

56 6. The board of police commissioners may promulgate  
57 all necessary rules and regulations for the implementation  
58 and administration of this section. Any rule or portion of  
59 a rule, as that term is defined in section 536.010, that is  
60 created under the authority delegated in this section shall  
61 become effective only if it complies with and is subject to  
62 all of the provisions of chapter 536 and, if applicable,  
63 section 536.028. This section and chapter 536 are  
64 nonseverable and if any of the powers vested with the  
65 general assembly pursuant to chapter 536 to review, to delay  
66 the effective date, or to disapprove and annul a rule are  
67 subsequently held unconstitutional, then the grant of  
68 rulemaking authority and any rule proposed or adopted after  
69 August 28, 2025, 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 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.

304.012. 1. Every person operating a motor vehicle on  
2 the roads and highways of this state shall drive the vehicle  
3 in a careful and prudent manner and at a rate of speed so as  
4 not to endanger the property of another or the life or limb  
5 of any person and shall exercise the highest degree of care.

6 2. **No person operating a motor vehicle on the roads**  
7 **and highways of this state shall perform stunt driving, as**  
8 **such term is defined in section 304.145.**

9 3. Any person who violates the provisions of this  
10 section is guilty of a class B misdemeanor, unless an  
11 accident is involved then it shall be a class A misdemeanor.

304.145. 1. **As used in this section, the following**  
2 **terms mean:**

3           (1) "Aggravated offender", a person who has been found  
4 guilty of:

5           (a) Three or more violations of this section committed  
6 on separate occasions; or

7           (b) Two or more violations of this section committed  
8 on separate occasions where in at least one of the  
9 violations the defendant was operating a vehicle and another  
10 person was injured or killed;

11           (2) "Burnout", a maneuver performed while operating a  
12 motor vehicle whereby the wheels of the motor vehicle are  
13 spun, resulting in friction causing the motor vehicle's  
14 tires to heat up and emit smoke;

15           (3) "Chronic offender", a person who has been found  
16 guilty of:

17           (a) Four or more violations of this section committed  
18 on separate occasions; or

19           (b) Three or more violations of this section committed  
20 on separate occasions where in at least one of the  
21 violations the defendant was operating a vehicle and another  
22 person was injured or killed; or

23           (c) Two or more violations of this section committed  
24 on separate occasions where in both of the violations the  
25 defendant was operating a vehicle and another person was  
26 injured or killed;

27           (4) "Donut", a motor vehicle maneuver in which the  
28 front or rear of the motor vehicle is rotated around the  
29 opposite set of wheels in a motion that may cause a curved  
30 skid-mark pattern of rubber on the driving surface, or the  
31 tires to heat up and emit smoke, or both;

32           (5) "Drag race", the operation of two or more motor  
33 vehicles from a point side by side in a competitive attempt  
34 to outgain or outdistance each other, or the operation of

35 one or more motor vehicles over a common selected course,  
36 for the purpose of comparing the relative speeds, power, or  
37 acceleration of such motor vehicles within a certain  
38 distance or time limit;

39 (6) "Drifting", a motor vehicle maneuver in which the  
40 motor vehicle is steered so that it makes a controlled skid  
41 sideways through a turn with the front wheels oriented in a  
42 direction opposite the turn;

43 (7) "Habitual offender", a person who has been found  
44 guilty of:

45 (a) Five or more violations of this section committed  
46 on separate occasions; or

47 (b) Four or more violations of this section committed  
48 on separate occasions where in at least one of the  
49 violations the defendant was operating a vehicle and another  
50 person was injured or killed; or

51 (c) Three or more violations of this section committed  
52 on separate occasions where in at least two of the  
53 violations the defendant was operating a vehicle and another  
54 person was injured or killed;

55 (8) "Highway", any public thoroughfare for vehicles,  
56 including state roads, county roads and public streets,  
57 avenues, boulevards, parkways, or alleys in any municipality;

58 (9) "Persistent offender", a person who has been found  
59 guilty of:

60 (a) Two or more violations of this section committed  
61 on separate occasions; or

62 (b) One violation of this section where the defendant  
63 was operating a vehicle and another person was injured or  
64 killed;

65 (10) "Prior offender", a person who has been found  
66 guilty of a violation of this section where such prior



67 offense occurred within five years of the violation for  
68 which the person is charged;

69 (11) "Race", the operation of one or more motor  
70 vehicles arising from a challenge to demonstrate superiority  
71 of a motor vehicle or driver, and the acceptance of or  
72 competitive response to that challenge, either through a  
73 prior arrangement or in immediate response, in which the  
74 competitor attempts to outgain or outdistance another motor  
75 vehicle, to prevent another motor vehicle from passing, to  
76 arrive at a given destination ahead of another motor  
77 vehicle, to test the physical stamina or endurance of  
78 drivers, to exhibit speed or acceleration, or to set a speed  
79 or acceleration record;

80 (12) "Street takeover", the act of disrupting the  
81 regular flow of traffic for the purpose of performing,  
82 facilitating, or spectating stunt driving;

83 (13) "Stunt driving", to operate a motor vehicle  
84 performing a race, a drag race, a burnout, a donut, a  
85 wheelie, or drifting;

86 (14) "Wheelie", a motor vehicle maneuver whereby a  
87 vehicle is ridden for a distance with the front or rear  
88 wheel or wheels raised off the ground.

89 2. Except as otherwise permitted by law, no person  
90 shall:

91 (1) Perform stunt driving in connection with a street  
92 takeover; or

93 (2) Perform or participate in a street takeover.

94 3. Violation of this section shall be a class A  
95 misdemeanor for a first offense, a class E felony for a  
96 second offense, and a class D felony for a third or  
97 subsequent offense.

98           4. No defendant alleged and proved to be a prior  
99 offender, persistent offender, aggravated offender, chronic  
100 offender, or habitual offender shall be granted a suspended  
101 imposition of sentence or be sentenced to pay a fine in lieu  
102 of imprisonment.

103           5. No defendant alleged and proven to be a prior  
104 offender shall be granted probation or parole until he or  
105 she has served a minimum of ten days imprisonment, unless as  
106 a condition of such probation or parole the person performs  
107 at least thirty days of community service under the  
108 supervision of the court in a jurisdiction that has a  
109 recognized program for community service.

110           6. No defendant alleged and proven to be an aggravated  
111 offender shall be eligible for probation or parole until he  
112 or she has served a minimum of thirty days imprisonment.

113           7. No defendant alleged and proven to be a chronic or  
114 habitual offender shall be eligible for probation or parole  
115 until he or she has served a minimum of one year  
116 imprisonment.

117           8. Prior pleas of guilty and prior findings of guilty  
118 shall be pleaded and proven in the same manner as required  
119 by section 558.021.

120           9. This section shall not apply with regard to events  
121 sanctioned by a political subdivision or private entity with  
122 responsibility for maintenance and control of the portion of  
123 highway or private property on which the motor vehicle  
124 operation occurs.

556.061. In this code, unless the context requires a  
2 different definition, the following terms shall mean:

3           (1) "Access", to instruct, communicate with, store  
4 data in, retrieve or extract data from, or otherwise make

5 any use of any resources of, a computer, computer system, or  
6 computer network;

7 (2) "Affirmative defense":

8 (a) The defense referred to is not submitted to the  
9 trier of fact unless supported by evidence; and

10 (b) If the defense is submitted to the trier of fact  
11 the defendant has the burden of persuasion that the defense  
12 is more probably true than not;

13 (3) "Burden of injecting the issue":

14 (a) The issue referred to is not submitted to the  
15 trier of fact unless supported by evidence; and

16 (b) If the issue is submitted to the trier of fact any  
17 reasonable doubt on the issue requires a finding for the  
18 defendant on that issue;

19 (4) "Commercial film and photographic print  
20 processor", any person who develops exposed photographic  
21 film into negatives, slides or prints, or who makes prints  
22 from negatives or slides, for compensation. The term  
23 commercial film and photographic print processor shall  
24 include all employees of such persons but shall not include  
25 a person who develops film or makes prints for a public  
26 agency;

27 (5) "Computer", the box that houses the central  
28 processing unit (CPU), along with any internal storage  
29 devices, such as internal hard drives, and internal  
30 communication devices, such as internal modems capable of  
31 sending or receiving electronic mail or fax cards, along  
32 with any other hardware stored or housed internally. Thus,  
33 computer refers to hardware, software and data contained in  
34 the main unit. Printers, external modems attached by cable  
35 to the main unit, monitors, and other external attachments  
36 will be referred to collectively as peripherals and

37 discussed individually when appropriate. When the computer  
38 and all peripherals are referred to as a package, the term  
39 "computer system" is used. Information refers to all the  
40 information on a computer system including both software  
41 applications and data;

42 (6) "Computer equipment", computers, terminals, data  
43 storage devices, and all other computer hardware associated  
44 with a computer system or network;

45 (7) "Computer hardware", all equipment which can  
46 collect, analyze, create, display, convert, store, conceal  
47 or transmit electronic, magnetic, optical or similar  
48 computer impulses or data. Hardware includes, but is not  
49 limited to, any data processing devices, such as central  
50 processing units, memory typewriters and self-contained  
51 laptop or notebook computers; internal and peripheral  
52 storage devices, transistor-like binary devices and other  
53 memory storage devices, such as floppy disks, removable  
54 disks, compact disks, digital video disks, magnetic tape,  
55 hard drive, optical disks and digital memory; local area  
56 networks, such as two or more computers connected together  
57 to a central computer server via cable or modem; peripheral  
58 input or output devices, such as keyboards, printers,  
59 scanners, plotters, video display monitors and optical  
60 readers; and related communication devices, such as modems,  
61 cables and connections, recording equipment, RAM or ROM  
62 units, acoustic couplers, automatic dialers, speed dialers,  
63 programmable telephone dialing or signaling devices and  
64 electronic tone-generating devices; as well as any devices,  
65 mechanisms or parts that can be used to restrict access to  
66 computer hardware, such as physical keys and locks;

67 (8) "Computer network", two or more interconnected  
68 computers or computer systems;

69           (9) "Computer program", a set of instructions,  
70 statements, or related data that directs or is intended to  
71 direct a computer to perform certain functions;

72           (10) "Computer software", digital information which  
73 can be interpreted by a computer and any of its related  
74 components to direct the way they work. Software is stored  
75 in electronic, magnetic, optical or other digital form. The  
76 term commonly includes programs to run operating systems and  
77 applications, such as word processing, graphic, or  
78 spreadsheet programs, utilities, compilers, interpreters and  
79 communications programs;

80           (11) "Computer-related documentation", written,  
81 recorded, printed or electronically stored material which  
82 explains or illustrates how to configure or use computer  
83 hardware, software or other related items;

84           (12) "Computer system", a set of related, connected or  
85 unconnected, computer equipment, data, or software;

86           (13) "Confinement":

87           (a) A person is in confinement when such person is  
88 held in a place of confinement pursuant to arrest or order  
89 of a court, and remains in confinement until:

90           a. A court orders the person's release; or

91           b. The person is released on bail, bond, or  
92 recognizance, personal or otherwise; or

93           c. A public servant having the legal power and duty to  
94 confine the person authorizes his release without guard and  
95 without condition that he return to confinement;

96           (b) A person is not in confinement if:

97           a. The person is on probation or parole, temporary or  
98 otherwise; or

99           b. The person is under sentence to serve a term of  
100 confinement which is not continuous, or is serving a

101 sentence under a work-release program, and in either such  
102 case is not being held in a place of confinement or is not  
103 being held under guard by a person having the legal power  
104 and duty to transport the person to or from a place of  
105 confinement;

106 (14) "Consent": consent or lack of consent may be  
107 expressed or implied. Assent does not constitute consent if:

108 (a) It is given by a person who lacks the mental  
109 capacity to authorize the conduct charged to constitute the  
110 offense and such mental incapacity is manifest or known to  
111 the actor; or

112 (b) It is given by a person who by reason of youth,  
113 mental disease or defect, intoxication, a drug-induced  
114 state, or any other reason is manifestly unable or known by  
115 the actor to be unable to make a reasonable judgment as to  
116 the nature or harmfulness of the conduct charged to  
117 constitute the offense; or

118 (c) It is induced by force, duress or deception;

119 (15) "Controlled substance", a drug, substance, or  
120 immediate precursor in schedules I through V as defined in  
121 chapter 195;

122 (16) "Criminal negligence", failure to be aware of a  
123 substantial and unjustifiable risk that circumstances exist  
124 or a result will follow, and such failure constitutes a  
125 gross deviation from the standard of care which a reasonable  
126 person would exercise in the situation;

127 (17) "Custody", a person is in custody when he or she  
128 has been arrested but has not been delivered to a place of  
129 confinement;

130 (18) "Damage", when used in relation to a computer  
131 system or network, means any alteration, deletion, or  
132 destruction of any part of the computer system or network;

133           (19) "Dangerous felony", the felonies of arson in the  
134 first degree, assault in the first degree, attempted rape in  
135 the first degree if physical injury results, attempted  
136 forcible rape if physical injury results, attempted sodomy  
137 in the first degree if physical injury results, attempted  
138 forcible sodomy if physical injury results, rape in the  
139 first degree, forcible rape, sodomy in the first degree,  
140 forcible sodomy, assault in the second degree if the victim  
141 of such assault is a special victim as defined in  
142 subdivision (14) of section 565.002, kidnapping in the first  
143 degree, kidnapping, murder in the second degree, assault of  
144 a law enforcement officer in the first degree, domestic  
145 assault in the first degree, elder abuse in the first  
146 degree, robbery in the first degree, armed criminal action,  
147 conspiracy to commit an offense when the offense is a  
148 dangerous felony, vehicle hijacking when punished as a class  
149 A felony, statutory rape in the first degree when the victim  
150 is a child less than twelve years of age at the time of the  
151 commission of the act giving rise to the offense, statutory  
152 sodomy in the first degree when the victim is a child less  
153 than twelve years of age at the time of the commission of  
154 the act giving rise to the offense, child molestation in the  
155 first or second degree, abuse of a child if the child dies  
156 as a result of injuries sustained from conduct chargeable  
157 under section 568.060, child kidnapping, parental kidnapping  
158 committed by detaining or concealing the whereabouts of the  
159 child for not less than one hundred twenty days under  
160 section 565.153, **endangering the welfare of a child in the**  
161 **first degree**, and an "intoxication-related traffic offense"  
162 or "intoxication-related boating offense" if the person is  
163 found to be a "habitual offender" or "habitual boating  
164 offender" as such terms are defined in section 577.001;

165           (20) "Dangerous instrument", any instrument, article  
166 or substance, which, under the circumstances in which it is  
167 used, is readily capable of causing death or other serious  
168 physical injury;

169           (21) "Data", a representation of information, facts,  
170 knowledge, concepts, or instructions prepared in a  
171 formalized or other manner and intended for use in a  
172 computer or computer network. Data may be in any form  
173 including, but not limited to, printouts, microfiche,  
174 magnetic storage media, punched cards and as may be stored  
175 in the memory of a computer;

176           (22) "Deadly weapon", any firearm, loaded or unloaded,  
177 or any weapon from which a shot, readily capable of  
178 producing death or serious physical injury, may be  
179 discharged, or a switchblade knife, dagger, billy club,  
180 blackjack or metal knuckles;

181           (23) "Digital camera", a camera that records images in  
182 a format which enables the images to be downloaded into a  
183 computer;

184           (24) "Disability", a mental, physical, or  
185 developmental impairment that substantially limits one or  
186 more major life activities or the ability to provide  
187 adequately for one's care or protection, whether the  
188 impairment is congenital or acquired by accident, injury or  
189 disease, where such impairment is verified by medical  
190 findings;

191           (25) "Elderly person", a person sixty years of age or  
192 older;

193           (26) "Felony", an offense so designated or an offense  
194 for which persons found guilty thereof may be sentenced to  
195 death or imprisonment for a term of more than one year;

196           (27) "Forcible compulsion" either:



197 (a) Physical force that overcomes reasonable  
198 resistance; or

199 (b) A threat, express or implied, that places a person  
200 in reasonable fear of death, serious physical injury or  
201 kidnapping of such person or another person;

202 (28) "Incapacitated", a temporary or permanent  
203 physical or mental condition in which a person is  
204 unconscious, unable to appraise the nature of his or her  
205 conduct, or unable to communicate unwillingness to an act;

206 (29) "Infraction", a violation defined by this code or  
207 by any other statute of this state if it is so designated or  
208 if no sentence other than a fine, or fine and forfeiture or  
209 other civil penalty, is authorized upon conviction;

210 (30) "Inhabitable structure", a vehicle, vessel or  
211 structure:

212 (a) Where any person lives or carries on business or  
213 other calling; or

214 (b) Where people assemble for purposes of business,  
215 government, education, religion, entertainment, or public  
216 transportation; or

217 (c) Which is used for overnight accommodation of  
218 persons.

219 Any such vehicle, vessel, or structure is inhabitable  
220 regardless of whether a person is actually present. If a  
221 building or structure is divided into separately occupied  
222 units, any unit not occupied by the actor is an inhabitable  
223 structure of another;

224 (31) "Knowingly", when used with respect to:

225 (a) Conduct or attendant circumstances, means a person  
226 is aware of the nature of his or her conduct or that those  
227 circumstances exist; or

228           (b) A result of conduct, means a person is aware that  
229 his or her conduct is practically certain to cause that  
230 result;

231           (32) "Law enforcement officer", any public servant  
232 having both the power and duty to make arrests for  
233 violations of the laws of this state, and federal law  
234 enforcement officers authorized to carry firearms and to  
235 make arrests for violations of the laws of the United States;

236           (33) "Misdemeanor", an offense so designated or an  
237 offense for which persons found guilty thereof may be  
238 sentenced to imprisonment for a term of which the maximum is  
239 one year or less;

240           (34) "Of another", property that any entity, including  
241 but not limited to any natural person, corporation, limited  
242 liability company, partnership, association, governmental  
243 subdivision or instrumentality, other than the actor, has a  
244 possessory or proprietary interest therein, except that  
245 property shall not be deemed property of another who has  
246 only a security interest therein, even if legal title is in  
247 the creditor pursuant to a conditional sales contract or  
248 other security arrangement;

249           (35) "Offense", any felony or misdemeanor;

250           (36) "Physical injury", slight impairment of any  
251 function of the body or temporary loss of use of any part of  
252 the body;

253           (37) "Place of confinement", any building or facility  
254 and the grounds thereof wherein a court is legally  
255 authorized to order that a person charged with or convicted  
256 of a crime be held;

257           (38) "Possess" or "possessed", having actual or  
258 constructive possession of an object with knowledge of its  
259 presence. A person has actual possession if such person has

260 the object on his or her person or within easy reach and  
261 convenient control. A person has constructive possession if  
262 such person has the power and the intention at a given time  
263 to exercise dominion or control over the object either  
264 directly or through another person or persons. Possession  
265 may also be sole or joint. If one person alone has  
266 possession of an object, possession is sole. If two or more  
267 persons share possession of an object, possession is joint;

268 (39) "Property", anything of value, whether real or  
269 personal, tangible or intangible, in possession or in action;

270 (40) "Public servant", any person employed in any way  
271 by a government of this state who is compensated by the  
272 government by reason of such person's employment, any person  
273 appointed to a position with any government of this state,  
274 or any person elected to a position with any government of  
275 this state. It includes, but is not limited to,  
276 legislators, jurors, members of the judiciary and law  
277 enforcement officers. It does not include witnesses;

278 (41) "Purposely", when used with respect to a person's  
279 conduct or to a result thereof, means when it is his or her  
280 conscious object to engage in that conduct or to cause that  
281 result;

282 (42) "Recklessly", consciously disregarding a  
283 substantial and unjustifiable risk that circumstances exist  
284 or that a result will follow, and such disregard constitutes  
285 a gross deviation from the standard of care which a  
286 reasonable person would exercise in the situation;

287 (43) "Serious emotional injury", an injury that  
288 creates a substantial risk of temporary or permanent medical  
289 or psychological damage, manifested by impairment of a  
290 behavioral, cognitive or physical condition. Serious  
291 emotional injury shall be established by testimony of

292 qualified experts upon the reasonable expectation of  
293 probable harm to a reasonable degree of medical or  
294 psychological certainty;

295 (44) "Serious physical injury", physical injury that  
296 creates a substantial risk of death or that causes serious  
297 disfigurement or protracted loss or impairment of the  
298 function of any part of the body;

299 (45) "Services", when used in relation to a computer  
300 system or network, means use of a computer, computer system,  
301 or computer network and includes, but is not limited to,  
302 computer time, data processing, and storage or retrieval  
303 functions;

304 (46) "Sexual orientation", male or female  
305 heterosexuality, homosexuality or bisexuality by  
306 inclination, practice, identity or expression, or having a  
307 self-image or identity not traditionally associated with  
308 one's gender;

309 (47) "Vehicle", a self-propelled mechanical device  
310 designed to carry a person or persons, excluding vessels or  
311 aircraft;

312 (48) "Vessel", any boat or craft propelled by a motor  
313 or by machinery, whether or not such motor or machinery is a  
314 principal source of propulsion used or capable of being used  
315 as a means of transportation on water, or any boat or craft  
316 more than twelve feet in length which is powered by sail  
317 alone or by a combination of sail and machinery, and used or  
318 capable of being used as a means of transportation on water,  
319 but not any boat or craft having, as the only means of  
320 propulsion, a paddle or oars;

321 (49) "Voluntary act":

322 (a) A bodily movement performed while conscious as a  
323 result of effort or determination. Possession is a

324 voluntary act if the possessor knowingly procures or  
325 receives the thing possessed, or having acquired control of  
326 it was aware of his or her control for a sufficient time to  
327 have enabled him or her to dispose of it or terminate his or  
328 her control; or

329 (b) An omission to perform an act of which the actor  
330 is physically capable. A person is not guilty of an offense  
331 based solely upon an omission to perform an act unless the  
332 law defining the offense expressly so provides, or a duty to  
333 perform the omitted act is otherwise imposed by law;

334 (50) "Vulnerable person", any person in the custody,  
335 care, or control of the department of mental health who is  
336 receiving services from an operated, funded, licensed, or  
337 certified program.

568.045. 1. A person commits the offense of  
2 endangering the welfare of a child in the first degree if he  
3 or she:

4 (1) Knowingly acts in a manner that creates a  
5 substantial risk to the life, body, or health of a child  
6 less than seventeen years of age; or

7 (2) Knowingly engages in sexual conduct with a person  
8 under the age of seventeen years over whom the person is a  
9 parent, guardian, or otherwise charged with the care and  
10 custody;

11 (3) Knowingly encourages, aids or causes a child less  
12 than seventeen years of age to engage in any conduct which  
13 violates the provisions of chapter 571 or 579;

14 (4) In the presence of a child less than seventeen  
15 years of age or in a residence where a child less than  
16 seventeen years of age resides, unlawfully manufactures or  
17 attempts to manufacture compounds, possesses, produces,  
18 prepares, sells, transports, tests or analyzes **any of the**

19 **following: fentanyl, carfentanil,** amphetamine [or],  
20 methamphetamine, or any of its analogues.

21 2. The offense of endangering the welfare of a child  
22 in the first degree is a class D felony unless the offense:

23 (1) Is committed as part of an act or series of acts  
24 performed by two or more persons as part of an established  
25 or prescribed pattern of activity, or where physical injury  
26 to the child results, or the offense is a second or  
27 subsequent offense under this section, in which case the  
28 offense is a class C felony;

29 (2) **Involves fentanyl or carfentanil or any of their**  
30 **analogues, in which case:**

31 (a) **The offense is a felony which shall be punished by**  
32 **a term of imprisonment of not less than five years and not**  
33 **more than ten years;**

34 (b) **No court shall suspend the imposition or execution**  
35 **of sentence of a person who pleads guilty to or is found**  
36 **guilty of an offense under this subdivision;**

37 (c) **No court shall sentence such person to pay a fine**  
38 **in lieu of a term of imprisonment; and**

39 (d) **A person sentenced under this subdivision shall**  
40 **not be eligible for conditional release or parole until he**  
41 **or she has served at least five years of imprisonment;**

42 (3) Results in serious physical injury to the child,  
43 in which case the offense is a class B felony; or

44 [(3)] (4) Results in the death of a child, in which  
45 case the offense is a class A felony.

574.050. 1. A person commits the offense of rioting  
2 if he or she knowingly assembles with six or more other  
3 persons [and agrees with such persons to violate any of the  
4 criminal laws of this state or of the United States with  
5 force or violence], and thereafter, while still so

6 assembled, [does violate any of said laws with force or  
7 violence] **violates any of the criminal laws of this state or**  
8 **of the United States.**

9 2. The offense of rioting is a class [A misdemeanor] **D**  
10 **felony. A second or subsequent conviction under this**  
11 **section shall be a class C felony.**

575.150. 1. A person commits the offense of resisting  
2 or interfering with arrest, detention, or stop if he or she  
3 knows or reasonably should know that a law enforcement  
4 officer is making an arrest or attempting to lawfully detain  
5 or stop an individual or vehicle, and for the purpose of  
6 preventing the officer from effecting the arrest, stop or  
7 detention, he or she:

8 (1) Resists the arrest, stop or detention of such  
9 person by using or threatening the use of violence or  
10 physical force or by fleeing from such officer; or

11 (2) Interferes with the arrest, stop or detention of  
12 another person by using or threatening the use of violence,  
13 physical force or physical interference.

14 2. This section applies to:

15 (1) Arrests, stops, or detentions, with or without  
16 warrants;

17 (2) Arrests, stops, or detentions, for any offense,  
18 infraction, or ordinance violation; and

19 (3) Arrests for warrants issued by a court or a  
20 probation and parole officer.

21 3. A person is presumed to be fleeing a vehicle stop  
22 if he or she continues to operate a motor vehicle after he  
23 or she has seen or should have seen clearly visible  
24 emergency lights or has heard or should have heard an  
25 audible signal emanating from the law enforcement vehicle  
26 pursuing him or her.

27           4. It is no defense to a prosecution pursuant to  
28 subsection 1 of this section that the law enforcement  
29 officer was acting unlawfully in making the arrest.  
30 However, nothing in this section shall be construed to bar  
31 civil suits for unlawful arrest.

32           5. The offense of resisting or interfering with an  
33 arrest is a class E felony for an arrest for a:

34           (1) Felony;

35           (2) Warrant issued for failure to appear on a felony  
36 case; or

37           (3) Warrant issued for a probation violation on a  
38 felony case.

39 The offense of resisting an arrest, detention or stop in  
40 violation of subdivision (1) or (2) of subsection 1 of this  
41 section is a class A misdemeanor, unless the person fleeing  
42 creates a substantial risk of serious physical injury or  
43 death to any person, in which case it is a class E felony.

44           **6. In the case of an offense under this section that**  
45 **is subject to punishment as a class E felony, any vehicle**  
46 **used in violation of this section shall be impounded and**  
47 **forfeited pursuant to section 82.1000 and sections 513.600**  
48 **to 513.645.**

**590.208. 1. There is hereby established the**  
2 **"Committee on School Safety" within the department of public**  
3 **safety.**

4           **2. The committee shall consist of the following**  
5 **members:**

6           (1) Up to three representatives of the department of  
7 public safety;

8           (2) A representative of the Missouri Sheriff's  
9 Association;



10 (3) A representative of the Missouri Municipal League;

11 (4) A representative of the department of elementary  
12 and secondary education; and

13 (5) A representative of the Missouri School Boards'  
14 Association's Center for Education Safety.

15 3. One member who represents the department of public  
16 safety shall serve as chair of the committee.

17 4. Members of the committee shall serve without  
18 compensation but may be reimbursed for actual expenses  
19 necessary to the performance of their official duties for  
20 the committee.

21 5. The committee shall meet at least four times per  
22 year, and at least once per calendar quarter, to evaluate  
23 and establish guidelines for school safety concerns,  
24 including plans to prevent school firearm violence.

25 6. Except as provided in section 610.021, all meetings  
26 of the committee shall be open to the public.

27 7. The committee shall submit a report in writing to  
28 the governor, president pro tempore of the senate, and  
29 speaker of the house of representatives after each meeting  
30 of the committee.

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  
to police officers; provided, however, that the

16 city council or other governing body of any such  
17 city may in its discretion fix a total in number  
18 which the reserve force may not exceed.

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

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

[84.341. No elected or appointed official  
2 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.

11 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.]

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  
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.]

[84.345. 1. Except as required for the  
2 board of police commissioners to conclude its  
3 affairs and pursue legal claims and defenses,  
4 upon the establishment of a municipal police  
5 force, the terms of office of the commissioners  
6 of the board of police created under sections  
7 84.020 and 84.030 shall expire, and the  
8 provisions of sections 84.010 to 84.340 shall  
9 not apply to any city not within a county or its  
10 municipal police force as of such date. The  
11 board shall continue to operate, if necessary,  
12 to wind down the board's affairs until the  
13 transfer of ownership and obligations under  
14 subsection 2 of section 84.344 has been  
15 completed. During such time, the board of  
16 police commissioners shall designate and  
17 authorize its secretary to act on behalf of the  
18 board for purposes of performing the board's  
19 duties and any other actions incident to the  
20 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.]

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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