

SECOND REGULAR SESSION

SENATE BILL NO. 461

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4382S.011

AN ACT

To repeal sections 84.010, 84.220, 86.200, 86.213, 105.483, and 105.726, RSMo, and to enact in lieu thereof thirteen new sections relating to the St. Louis police force, with penalty provisions.

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

Section A. Sections 84.010, 84.220, 86.200, 86.213, 105.483, and 105.726, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 84.343, 84.344, 84.345, 84.346, 84.347, 84.348, 84.349, 86.200, 86.213, 86.371, 105.483, 105.726, and 1, to read as follows:

84.343. No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under section 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and scope of their employment or from acting to implement sections 84.345 to 84.348. Any person who violates this section shall be liable for a penalty of two thousand five hundred dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term "committee" is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense

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

17 committed by such officials, nor shall this section apply to duly
18 appointed members of the municipal police force, or their appointing
19 authorities, whose conduct is otherwise provided for by law.

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

8 2. Any employee of the municipal police force may bring a cause
9 of action for general or special damages based on a violation of this
10 section.

84.345. Subject to the provisions of sections 84.346 to 84.348, any
2 city not within a county may establish a municipal police force for the
3 purposes of:

- 4 (1) Preserving the public peace, welfare, and order;
 - 5 (2) Preventing crime and arresting suspected offenders;
 - 6 (3) Enforcing the laws of the state and ordinances of the city;
 - 7 (4) Exercising all powers available to a police force under
8 generally applicable state law; and
 - 9 (5) Regulating and licensing all private watchmen, private
10 detectives, and private policemen serving or acting as such in said city.
- 11 Any person who acts as a private watchman, private detective, or
12 private policeman in said cities without having obtained a written
13 license from said cities is guilty of a class A misdemeanor.

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

8 2. Upon the establishment of a municipal police force by a city
9 under sections 84.345 to 84.348, the board of police commissioners shall
10 convey, assign, and otherwise transfer to the city title and ownership
11 of all indebtedness and assets, including, but not limited to, all funds

12 and real and personal property held in the name of or controlled by the
13 board of police commissioners created under sections 84.020 and
14 84.030. The board of police commissioners shall execute all documents
15 reasonably required to accomplish such transfer of ownership and
16 obligations.

17 3. If the city establishes a municipal police force and completes
18 the transfer described in subsection 2 of this section, the city shall
19 appropriate the necessary funds for the maintenance of the municipal
20 police force.

21 4. Before a city not within a county may establish a municipal
22 police force under this section, the city shall adopt an ordinance
23 accepting responsibility, ownership, and liability as successor-in-
24 interest for contractual obligations, indebtedness, and other lawful
25 obligations of the board of police commissioners subject to the
26 provisions of subsection 2 of section 84.347.

27 5. A city not within a county that establishes a municipal police
28 force shall employ, without a reduction in rank, salary, or benefits, all
29 commissioned and civilian personnel of the board of police
30 commissioners created under sections 84.010 to 84.340 that were
31 employed by the board immediately prior to the date the municipal
32 police force was established. The city shall also recognize all accrued
33 years of service that such commissioned and civilian personnel had
34 with the board of police commissioners. Such personnel shall be
35 entitled to the same holidays, vacation, and sick leave they were
36 entitled to as employees of the board of police commissioners.

37 6. Except for commissioned and civilian personnel of the board
38 of police commissioners who were employed by the board immediately
39 prior to the date the municipal police force was established, a city
40 creating a municipal police force under subsection 1 of this section may
41 enforce any rule, law, or regulations concerning the residence of
42 commissioned and civilian personnel of the police force. Commissioned
43 and civilian personnel who were previously employed by the board
44 shall continue to be subject to the residency rule promulgated by the
45 board, which allows employees of the police department who have
46 retained residency in the City of St. Louis for a total of seven years to
47 maintain a primary residence outside the city so long as the residence
48 is located within a one-hour response time.

49 7. The commissioned and civilian personnel who retire from
50 service with the board of police commissioners before the
51 establishment of a municipal police force under subsection 1 of this
52 section shall continue to be entitled to the same pension benefits
53 provided under chapter 86 and the same benefits set forth in subsection
54 5 of this section.

55 8. If a city not within a county elects to establish a municipal
56 police force under this section, the city shall establish a separate
57 division for the operation of its municipal police force. The city may
58 adopt new civil service commission rules and regulations appropriate
59 for the unique operation of a municipal police force; however, until
60 such time as the city adopts such rules and regulations, the
61 commissioned personnel shall continue to be governed by the board of
62 police commissioner's rules and regulations in effect immediately prior
63 to the establishment of the municipal police force, with the police chief
64 acting in place of the board of police commissioners for purposes of
65 applying the rules and regulations. Unless otherwise provided for,
66 existing civil service commission rules and regulations governing the
67 appeal of disciplinary decisions to the civil service commission shall
68 apply to all commissioned and civilian personnel. A hearing officer
69 shall be appointed by the civil service commission to hear any such
70 appeals that involve discipline resulting in a suspension of greater than
71 fifteen days, demotion, or termination, but the civil service commission
72 shall make the final findings of fact, conclusions of law, and decision
73 which shall be subject to any right of appeal under chapter 536.

74 9. A city not within a county that establishes and maintains a
75 municipal police force under this section:

76 (1) Shall provide or contract for life insurance coverage and for
77 insurance benefits providing health, medical, and disability coverage
78 for commissioned and civilian personnel of the municipal police force
79 to the same extent as was required by the board of police
80 commissioners under section 84.160;

81 (2) Shall provide or contract for health, medical, and life
82 insurance coverage for any commissioned or civilian personnel who
83 retired from service with the board of police commissioners or who
84 were employed by the board of police commissioners and retire from
85 the municipal police force of a city not within a county;

86 **(3) Shall make available health, medical, and life insurance**
87 **coverage for purchase to the spouses or dependents of commissioned**
88 **and civilian personnel who retire from service with the board of police**
89 **commissioners or the municipal police force and deceased**
90 **commissioned and civilian personnel who receive pension benefits**
91 **under sections 86.200 to 86.366 at the rate that such dependent's or**
92 **spouse's coverage would cost under the appropriate plan if the**
93 **deceased were living; and**

94 **(4) May pay an additional shift differential compensation to**
95 **commissioned and civilian personnel for evening and night tours of**
96 **duty in an amount not to exceed ten percent of the officer's base hourly**
97 **rate.**

98 **10. A city not within a county that establishes a municipal police**
99 **force under sections 84.345 to 84.348 shall, by ordinance, establish a**
100 **transition committee of five members for the purpose of: coordinating**
101 **and implementing the transition of authority, operations, assets, and**
102 **obligations from the board of police commissioners to the city; winding**
103 **down the affairs of the board; and making nonbinding**
104 **recommendations for the transition of the police force from the board**
105 **to the city. The ordinance shall provide for the powers, duties, and**
106 **duration of the committee. Once the ordinance is enacted, the city**
107 **shall provide written notice to the board of police commissioners and**
108 **the governor of the state of Missouri. Within thirty days of such notice,**
109 **the governor shall appoint two members to the committee, one of whom**
110 **shall be a member of a statewide law enforcement association that**
111 **represents at least five thousand law enforcement officers. The**
112 **remaining members of the committee shall include the police chief of**
113 **the municipal police force, the city's director of public safety, and a**
114 **person who has retired from service with the board of police**
115 **commissioners or the municipal police appointed to the committee by**
116 **the mayor of such city.**

84.347. 1. Except as required for the board of police
2 **commissioners to conclude its affairs and pursue legal claims and**
3 **defenses, upon the establishment of a municipal police force, the terms**
4 **of office of the commissioners of the board of police created under**
5 **sections 84.020 and 84.030 shall expire, and the provisions of sections**
6 **84.020 to 84.340 shall not apply to any city not within a county or its**

7 municipal police force as of such date. The board shall continue to
8 operate, if necessary, to wind down the board's affairs until the
9 transfer of ownership and obligations under subsection 2 of section
10 84.346 has been completed. During such time, the board of police
11 commissioners shall designate and authorize its secretary to act on
12 behalf of the board for purposes of performing the board's duties and
13 any other actions incident to the transfer and winding down of the
14 board's affairs.

15 2. For any claim, lawsuit, or other action tendered to the
16 attorney general by the board of police commissioners before the
17 effective date of this act, the state shall provide legal representation as
18 set forth in section 105.726, and the state legal expense fund shall
19 provide reimbursement for the claims tendered before the effective
20 date of this act up to a maximum of one million dollars per fiscal year
21 pursuant to section 105.726. This subsection applies to all claims,
22 lawsuits, and other actions tendered on behalf of any commissioner,
23 police officer, employee, agent, representative, or any individual or
24 entity acting or purporting to act on its or their behalf.

25 3. Notwithstanding any other provision of law, rule, or
26 regulation to the contrary, any city not within a county that establishes
27 a municipal police force under sections 84.345 to 84.358 shall not be
28 restricted or limited in any way in the selection of a police chief or
29 chief of the division created under subsection 8 of section 84.346.

30 4. It shall be the duty of the sheriff for any city not within a
31 county, whenever called upon by the police chief of the municipal
32 police force, to act under the police chief's control for the preservation
33 of the public peace and quiet; and, whenever the exigency or
34 circumstances may, in the police chief's judgment, warrant it, said
35 police chief shall have the power to assume the control and command
36 of all local and municipal conservators of the peace of the city, whether
37 sheriff, constable, policemen or others, and they shall act under the
38 orders of the said police chief and not otherwise.

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

6 established under section 84.346, nothing in sections 84.345 to 84.348
7 shall be construed as limiting or changing the rights or benefits
8 provided under chapter 86.

84.349. Notwithstanding the provisions of section 1.140 to the
2 contrary, the provisions of sections 84.345 to 84.348 shall be
3 nonseverable. If any provision of sections 84.345 to 84.348 is for any
4 reason held to be invalid, such decision shall invalidate all of the
5 remaining provisions of this act.

86.200. The following words and phrases as used in sections 86.200 to
2 86.366, unless a different meaning is plainly required by the context, shall have
3 the following meanings:

4 (1) "Accumulated contributions", the sum of all mandatory contributions
5 deducted from the compensation of a member and credited to the member's
6 individual account, together with members' interest thereon;

7 (2) "Actuarial equivalent", a benefit of equal value when computed upon
8 the basis of mortality tables and interest assumptions adopted by the board of
9 trustees;

10 (3) "Average final compensation":

11 (a) With respect to a member who earns no creditable service on or after
12 October 1, 2001, the average earnable compensation of the member during the
13 member's last three years of creditable service as a police officer, or if the member
14 has had less than three years of creditable service, the average earnable
15 compensation of the member's entire period of creditable service;

16 (b) With respect to a member who is not participating in the DROP
17 pursuant to section 86.251 on October 1, 2001, who did not participate in the
18 DROP at any time before such date, and who earns any creditable service on or
19 after October 1, 2001, the average earnable compensation of the member during
20 the member's last two years of creditable service as a policeman, or if the member
21 has had less than two years of creditable service, then the average earnable
22 compensation of the member's entire period of creditable service;

23 (c) With respect to a member who is participating in the DROP pursuant
24 to section 86.251 on October 1, 2001, or whose participation in DROP ended
25 before such date, who returns to active participation in the system pursuant to
26 section 86.251, and who terminates employment as a police officer for reasons
27 other than death or disability before earning at least two years of creditable
28 service after such return, the portion of the member's benefit attributable to

29 creditable service earned before DROP entry shall be determined using average
30 final compensation as defined in paragraph (a) of this subdivision; and the
31 portion of the member's benefit attributable to creditable service earned after
32 return to active participation in the system shall be determined using average
33 final compensation as defined in paragraph (b) of this subdivision;

34 (d) With respect to a member who is participating in the DROP pursuant
35 to section 86.251 on October 1, 2001, or whose participation in the DROP ended
36 before such date, who returns to active participation in the system pursuant to
37 section 86.251, and who terminates employment as a police officer after earning
38 at least two years of creditable service after such return, the member's benefit
39 attributable to all of such member's creditable service shall be determined using
40 the member's average final compensation as defined in paragraph (b) of this
41 subdivision;

42 (e) With respect to a member who is participating in the DROP pursuant
43 to section 86.251 on October 1, 2001, or whose participation in DROP ended
44 before such date, who returns to active participation in the system pursuant to
45 section 86.251, and whose employment as a police officer terminates due to death
46 or disability after such return, the member's benefit attributable to all of such
47 member's creditable service shall be determined using the member's average final
48 compensation as defined in paragraph (b) of this subdivision; and

49 (f) With respect to the surviving spouse or surviving dependent child of
50 a member who earns any creditable service on or after October 1, 2001, the
51 average earnable compensation of the member during the member's last two years
52 of creditable service as a police officer or, if the member has had less than two
53 years of creditable service, the average earnable compensation of the member's
54 entire period of creditable service;

55 (4) "Beneficiary", any person in receipt of a retirement allowance or other
56 benefit;

57 (5) "Board of police commissioners", any board of police commissioners,
58 police commissioners and any other officials or boards now or hereafter
59 authorized by law to employ and manage a permanent police force in such cities;

60 (6) "Board of trustees", the board provided in sections 86.200 to 86.366 to
61 administer the retirement system;

62 (7) "Creditable service", prior service plus membership service as provided
63 in sections 86.200 to 86.366;

64 (8) "DROP", the deferred retirement option plan provided for in section

65 86.251;

66 (9) "Earnable compensation", the annual salary which a member would
67 earn during one year on the basis of the member's rank or position as specified
68 in the applicable salary matrix in section 84.160 plus **any** additional
69 compensation for academic work [as provided in subsection 7 of section 84.160,
70 plus] **and** shift differential [as provided in subdivision (4) of subsection 8 of
71 section 84.160] **that may be provided by any official or board now or**
72 **hereafter authorized by law to employ and manage a permanent police**
73 **force in such cities.** Such amount shall include the member's deferrals to a
74 deferred compensation plan pursuant to Section 457 of the Internal Revenue Code
75 or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or,
76 effective October 1, 2001, to a transportation fringe benefit program pursuant to
77 Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not
78 include a member's additional compensation for overtime, standby time, court
79 time, nonuniform time or unused vacation time. Notwithstanding the foregoing,
80 the earnable compensation taken into account under the plan established
81 pursuant to sections 86.200 to 86.366 with respect to a member who is a
82 noneligible participant, as defined in this subdivision, for any plan year beginning
83 on or after October 1, 1996, shall not exceed the amount of compensation that
84 may be taken into account under Section 401(a)(17) of the Internal Revenue Code,
85 as adjusted for increases in the cost of living, for such plan year. For purposes
86 of this subdivision, a "noneligible participant" is an individual who first becomes
87 a member on or after the first day of the first plan year beginning after the
88 earlier of:

89 (a) The last day of the plan year that includes August 28, 1995; or

90 (b) December 31, 1995;

91 (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986,
92 as amended;

93 (11) "Mandatory contributions", the contributions required to be deducted
94 from the salary of each member who is not participating in DROP in accordance
95 with section 86.320;

96 (12) "Member", a member of the retirement system as defined by sections
97 86.200 to 86.366;

98 (13) "Members' interest", interest on accumulated contributions at such
99 rate as may be set from time to time by the board of trustees;

100 (14) "Membership service", service as a policeman rendered since last

101 becoming a member, except in the case of a member who has served in the armed
102 forces of the United States and has subsequently been reinstated as a policeman,
103 in which case "membership service" means service as a policeman rendered since
104 last becoming a member prior to entering such armed service;

105 (15) "Plan year" or "limitation year", the twelve consecutive-month period
106 beginning each October first and ending each September thirtieth;

107 (16) "Policeman" or "police officer", any member of the police force of such
108 cities who holds a rank in such police force for which the annual salary is listed
109 in section 84.160;

110 (17) "Prior service", all service as a policeman rendered prior to the date
111 the system becomes operative or prior to membership service which is creditable
112 in accordance with the provisions of sections 86.200 to 86.366;

113 (18) "Reserve officer", any member of the police reserve force of such
114 cities, armed or unarmed, who works less than full time, without compensation,
115 and who, by his or her assigned function or as implied by his or her uniform,
116 performs duties associated with those of a police officer and who currently
117 receives a service retirement as provided by sections 86.200 to 86.366;

118 (19) "Retirement allowance", annual payments for life as provided by
119 sections 86.200 to 86.366 which shall be payable in equal monthly installments
120 or any benefits in lieu thereof granted to a member upon termination of
121 employment as a police officer and actual retirement;

122 (20) "Retirement system", the police retirement system of the cities as
123 defined in sections 86.200 to 86.366;

124 (21) "Surviving spouse", the surviving spouse of a member who was the
125 member's spouse at the time of the member's death.

86.213. 1. The general administration and the responsibility for the
2 proper operation of the retirement system and for making effective the provisions
3 of sections 86.200 to 86.366 are hereby vested in a board of trustees of ten
4 persons. The board shall be constituted as follows:

5 (1) [The president of the board of police commissioners of the city, ex
6 officio. If the president is absent from any meeting of the board of trustees for
7 any cause whatsoever, the president may be represented by any member of the
8 board of police commissioners who in such case shall have full power to act as a
9 member of the board of trustees;

10 (2)] The comptroller of the city, ex officio. If the comptroller is absent
11 from any meeting of the board of trustees for any cause whatsoever, the

12 comptroller may be represented by either the deputy comptroller or the first
13 assistant comptroller who in such case shall have full power to act as a member
14 of the said board of trustees;

15 [(3) Three] **(2) Two** members to be appointed by the mayor of the city to
16 serve for a term of two years, **except the mayor shall not appoint the police**
17 **chief of the municipal police force, the city's director of public safety,**
18 **or the president of the board of police commissioners of the city;**

19 [(4)] **(3)** Three members to be elected by the members of the retirement
20 system of the city for a term of three years; provided, however, that the term of
21 office of the first three members so elected shall begin immediately upon their
22 election and one such member's term shall expire one year from the date the
23 retirement system becomes operative, another such member's term shall expire
24 two years from the date the retirement system becomes operative and the other
25 such member's term shall expire three years from the date the retirement system
26 becomes operative; provided, further, that such members shall be members of the
27 system and hold office only while members of the system;

28 [(5) Two] **(4) Three** members who shall be retired members of the
29 retirement system to be elected by the retired members of the retirement system
30 for a term of three years; except that, the term of office of the first two members
31 so elected shall begin immediately upon their election and one such member's
32 term shall expire two years from the date of election and the other such member's
33 term shall expire three years from the date of election.

34 2. Any member elected chairman of the board of trustees may serve
35 without term limitations.

36 3. Each commissioned elected trustee shall be granted travel time by the
37 St. Louis metropolitan police department to attend any and all functions that
38 have been authorized by the board of trustees of the police retirement system of
39 St. Louis. Travel time, with compensation, for a trustee shall not exceed thirty
40 days in any board fiscal year.

86.371. In the event that the state or any state official is ordered
2 **to provide state funds to any city not within a county to satisfy pension**
3 **obligations to any member of the system provided for in sections 86.200**
4 **to 86.366, the amount of state funds ordered shall constitute a first lien**
5 **on the funds of such city. The state is authorized to certify such**
6 **amount to the state treasurer and the director of the department of**
7 **revenue. The state treasurer and the director of the department of**

8 revenue shall withhold all moneys due the city not within a county
9 from the state until such amount, together with regular interest, is
10 satisfied.

105.483. Each of the following persons shall be required to file a financial
2 interest statement:

3 (1) Associate circuit judges, circuit court judges, judges of the courts of
4 appeals and of the supreme court, and candidates for any such office;

5 (2) Persons holding an elective office of the state, whether by election or
6 appointment, and candidates for such elective office, except those running for or
7 serving as county committee members for a political party pursuant to section
8 115.609 or section 115.611;

9 (3) The principal administrative or deputy officers or assistants serving
10 the governor, lieutenant governor, secretary of state, state treasurer, state
11 auditor and attorney general, which officers shall be designated by the respective
12 elected state official;

13 (4) The members of each board or commission and the chief executive
14 officer of each public entity created pursuant to the constitution or interstate
15 compact or agreement and the members of each board of regents or curators and
16 the chancellor or president of each state institution of higher education;

17 (5) The director and each assistant deputy director and the general
18 counsel and the chief purchasing officer of each department, division and agency
19 of state government;

20 (6) Any official or employee of the state authorized by law to promulgate
21 rules and regulations or authorized by law to vote on the adoption of rules and
22 regulations;

23 (7) Any member of a board or commission created by interstate compact
24 or agreement, including the executive director and any Missouri resident who is
25 a member of the bi-state development agency created pursuant to sections 70.370
26 to 70.440;

27 (8) Any board member of a metropolitan sewer district authorized under
28 section 30(a) of article VI of the state constitution;

29 (9) Any member of a commission appointed or operating pursuant to
30 sections 64.650 to 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

31 (10) The members, the chief executive officer and the chief purchasing
32 officer of each board or commission which enters into or approves contracts for
33 the expenditure of state funds;

34 (11) Each elected official, candidate for elective office, the chief
35 administrative officer, the chief purchasing officer and the general counsel, if
36 employed full time, of each political subdivision with an annual operating budget
37 in excess of one million dollars, and each official or employee of a political
38 subdivision who is authorized by the governing body of the political subdivision
39 to promulgate rules and regulations with the force of law or to vote on the
40 adoption of rules and regulations with the force of law; unless the political
41 subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of
42 section 105.485;

43 (12) Any person who is designated as a decision-making public servant by
44 any of the officials or entities listed in subdivision (6) of section 105.450;

45 **(13) The police chief of a municipal police force established**
46 **under section 84.346 by any city not within a county, and such city's**
47 **director of public safety.**

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

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

11 3. Moneys in the state legal expense fund shall not be available for the
12 payment of any claim or any amount required by any final judgment rendered by
13 a court of competent jurisdiction against a board of police commissioners
14 established under chapter 84, including the commissioners, any police officer,
15 notwithstanding sections 84.330 and 84.710, or other provisions of law, other
16 employees, agents, representative, or any other individual or entity acting or
17 purporting to act on its or their behalf. Such was the intent of the general
18 assembly in the original enactment of sections 105.711 to 105.726, and it is made
19 express by this section in light of the decision in *Wayman Smith, III, et al. v.*
20 *State of Missouri*, 152 S.W.3d 275. Except that the commissioner of
21 administration shall reimburse from the legal expense fund [any] **the** board of
22 police commissioners established under [chapter 84] **section 84.350** for liability

23 claims otherwise eligible for payment under section 105.711 paid by such [boards]
24 **board** on an equal share basis per claim up to a maximum of one million dollars
25 per fiscal year. **The commissioner of administration shall not reimburse**
26 **from the state legal expense fund any other board of police**
27 **commissioners for any claims tendered on or after the effective date of**
28 **this act.**

29 4. **Subject to the provisions of subsection 2 of section 84.347**, if the
30 representation of the attorney general is requested by a board of police
31 commissioners, the attorney general shall represent, investigate, defend,
32 negotiate, or compromise all claims under sections 105.711 to 105.726 for the
33 board of police commissioners, any police officer, other employees, agents,
34 representatives, or any other individual or entity acting or purporting to act on
35 their behalf. The attorney general may establish procedures by rules
36 promulgated under chapter 536 under which claims must be referred for the
37 attorney general's representation. The attorney general and the officials of the
38 city which the police board represents **or represented** shall meet and negotiate
39 reasonable expenses or charges that will fairly compensate the attorney general
40 and the office of administration for the cost of the representation of the claims
41 under this section.

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

Section 1. 1. An officer or employee of a municipal police force
2 **established under section 84.346 shall not:**

- 3 (1) **Be a candidate for partisan political office;**
4 (2) **Use official authority or influence for the purpose of**
5 **interfering with or affecting the results of an election or a nomination**
6 **for office;**
7 (3) **Directly or indirectly coerce contributions from subordinates**
8 **in support of a political party or candidate;**
9 (4) **Permit solicitation for political purpose in any building or**
10 **room occupied for the discharge of the official duties of such force;**
11 (5) **Solicit any person to vote for or against any candidate for**

12 **public office or be connected with other political work of similar**
13 **character on behalf of any political organization, party, or candidate**
14 **while on duty or while wearing the official uniform of the force; or**

15 **(6) Affix any sign, bumper sticker, or other device to any**
16 **property or vehicle under the control of such force which either**
17 **supports or opposes any ballot measure or political candidate.**

18 **2. An officer or employee of such force who willfully or through**
19 **culpable negligence violates any of the provisions of this section may**
20 **be punished by a fine of not less than fifty dollars and not exceeding**
21 **five hundred dollars, or by imprisonment for a time not exceeding six**
22 **months, or by both fine and imprisonment.**

[84.010. In all cities of this state that now have, or may
2 hereafter attain, a population of seven hundred thousand
3 inhabitants or over, the common council or municipal assembly, as
4 the case may be, of such cities may pass ordinances for preserving
5 order, securing property and persons from violence, danger or
6 destruction, protecting public and private property, and for
7 promoting the interests and insuring the good government of the
8 cities; but no ordinances heretofore passed, or that may hereafter
9 be passed, by the common council or municipal assembly of the
10 cities, shall, in any manner, conflict or interfere with the powers or
11 the exercise of the powers of the boards of police commissioners of
12 the cities as created by section 84.020, nor shall the cities or any
13 officer or agent of the corporation of the cities, or the mayor
14 thereof, in any manner impede, obstruct, hinder or interfere with
15 the boards of police or any officer, or agent or servant thereof or
16 thereunder, except that in any case of emergency imminently
17 imperiling the lives, health or safety of the inhabitants of the city,
18 the mayor may call upon and direct the chief of police of the city to
19 provide such number of officers and patrolmen to meet the
20 emergency as the mayor determines to be necessary and the chief
21 of police shall continue to act under the direction of the mayor until
22 the emergency has ceased, or until the board of police
23 commissioners takes charge of such matter.]

[84.220. Any officer or servant of the mayor or common
2 council or municipal assembly of the said cities, or other persons

3 whatsoever, who shall forcibly resist or obstruct the execution or
4 enforcement of any of the provisions of sections 84.010 to 84.340 or
5 relating to the same, or who shall disburse any money in violation
6 thereof, or who shall hinder or obstruct the organization or
7 maintenance of said board of police, or the police force therein
8 provided to be organized and maintained, or who shall maintain or
9 control any police force other than the one therein provided for, or
10 who shall delay or hinder the due enforcement of sections 84.010
11 to 84.340 by failing or neglecting to perform the duties by said
12 sections imposed upon him, shall be liable to a penalty of one
13 thousand dollars for each and every offense, recoverable by the
14 boards by action at law in the name of the state, and shall forever
15 thereafter be disqualified from holding or exercising any office or
16 employment whatsoever under the mayor or common council or
17 municipal assembly of said cities, or under sections 84.010 to
18 84.340; provided, however, that nothing in this section shall be
19 construed to interfere with the punishment, under any existing or
20 any future laws of this state, of any criminal offense which shall be
21 committed by the said parties in or about the resistance,
22 obstruction, hindrance, conspiracy, combination or disbursement
23 aforesaid.]

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