

SENATE JOINT RESOLUTION NO. 75

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

2825S.04I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto two new sections relating to sheriffs.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2024, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article VII of the
7 Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is
2 amended by adding thereto two new sections, to be known as
3 sections 15 and 16, to read as follows:

**Section 15. 1. Except as provided in subsection 2 of
2 this section, each county shall elect a sheriff for a term
3 of four years by a majority of the qualified voters of the
4 county voting thereon at the time of voting designated for
5 such office provided by law as of the effective date of this
6 section and every four years thereafter.**

**2. The provisions of subsection 1 of this section
8 shall not apply to a county in which the office of sheriff
9 is not an elected office as of the effective date of this
10 section. Such county may restore the office of sheriff as
11 an elected office as provided by law, and such restoration**

12 shall be irrevocable. A county that restores the office of
13 sheriff as an elected office shall elect a sheriff by a
14 majority of the qualified voters of the county voting
15 thereon for a term of four years.

16 3. The elected sheriff shall be the chief law
17 enforcement officer in his or her county and shall be
18 notified of all federal investigations in his or her
19 county. Notwithstanding article VI section 18(a) or any
20 other article of the Missouri constitution to the contrary,
21 every sheriff, in addition to duties as set in law, shall
22 quell and suppress assaults, batteries, riots, routs,
23 affrays, and insurrections and shall:

24 (1) Apprehend and commit to jail all felons and
25 traitors;

26 (2) Attend each division of the circuit court presided
27 over by a circuit or associate circuit court judge held in
28 his or her county, when so directed by the court; and

29 (3) Execute process, including writs of replevin,
30 attachments, and final process issued by circuit and
31 associate circuit court judges, unless the sheriff of the
32 county does not perform such duties as of August 28, 2024.

33 4. Every sheriff is a conservator of the peace within
34 his or her county and shall cause all offenders against law
35 to appear at the next term of the circuit or associate court
36 of the county, and to be committed to jail in case of
37 failure to give the recognizance.

38 5. The sheriff of all counties shall hire and appoint
39 such deputies, assistants and other employees as the sheriff
40 deems necessary for the proper discharge of the duties of
41 his or her office, who shall hold office at the will and
42 pleasure of the sheriff and may set their compensation
43 within the limits of the allocations made for that purpose.

44 6. Any sheriff may be removed by the qualified voters
45 by recall in accordance with the procedure under this
46 section subject to the following limitations:

47 (1) The recalled sheriff shall have held office for at
48 least six months; and

49 (2) The recalled sheriff shall not be a candidate to
50 succeed himself or herself at a special election held to
51 fill the vacancy created by the official's recall and shall
52 not be appointed to fill the vacancy.

53 7. A petition signed by voters entitled to vote for a
54 successor to the incumbent sought to be removed, equal in
55 number to at least fifty percent of the total number of
56 registered voters in such county entitled to vote for a
57 successor to the incumbent sought to be removed, demanding
58 the recall of a person from elective office shall be filed
59 with the county clerk which petition shall contain a
60 statement of the reasons for which recall is sought which
61 shall not be more than two hundred words in length. Such
62 petition for recall shall be filed with the appropriate
63 county clerk or election authority within sixty days after
64 the date of the earliest signature on the petition. The
65 reasons for recall are misconduct in office, incompetence or
66 failure to perform duties prescribed by law. The signatures
67 to the petition need not all be appended to one paper, but
68 each signer shall add to his or her signature his or her
69 place of residence, giving the street and number and the
70 date signed. One of the signers of each such paper shall
71 make oath before an officer competent to administer oaths
72 that the statements therein made are true as he or she
73 believes and that each signature to the paper appended is
74 the genuine signature of the person whose name it purports
75 to be. A special election shall be held on the recall on

76 the first Tuesday after the first Monday in November. The
77 question to be presented to the voters at such election
78 shall be in substantially the following form:

- 79 FOR the removal of _____ (name of
80 sheriff) from the office of the sheriff.
- 81 AGAINST the removal of _____ (name of
82 sheriff) from the office of the sheriff.

83 If a majority of the qualified electors voting on the
84 question at such election vote for the removal of the
85 sheriff, a vacancy shall exist in such office. If a
86 majority of the qualified electors voting on the question at
87 such election vote against the removal of the sheriff, the
88 sheriff shall continue to serve for the remainder of the
89 term for which he or she was elected.

Section 16. Because sheriffs are part of the
2 administration of justice, the general assembly may levy
3 court costs and fees to support salaries or benefits for
4 sheriffs and retired sheriffs.

Section B. Pursuant to chapter 116, and other
2 applicable constitutional provisions and laws of this state
3 allowing the general assembly to adopt ballot language for
4 the submission of this joint resolution to the voters of
5 this state, the official summary statement of this
6 resolution shall be as follows:

7 "Shall the Missouri Constitution be amended to
8 support law enforcement by preserving the right
9 of citizens to elect a county sheriff,
10 prohibiting the removal of a county sheriff
11 except by a special election to recall, and

12 protecting funding for law enforcement
13 officials?".

