

FIRST REGULAR SESSION

# HOUSE BILL NO. 479

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOSMER, BRITT, McKENNA, HAMPTON, BARNETT,  
RICHARDSON, OTOOLE, ROSS, MERIDETH (Co-sponsors), JOLLY AND GASKILL.

Read 1<sup>st</sup> time January 23, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0882L.011

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### AN ACT

To repeal sections 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150 and 590.180, RSMo 2000, relating to selection and training of peace officers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150 and 590.180, RSMo 2000, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 488.5336, 590.010, 590.020, 590.030, 590.040, 590.050, 590.060, 590.070, 590.080, 590.090, 590.100, 590.110, 590.120, 590.180, 590.190 and 590.195, to read as follows:

488.5336. 1. A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge

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

12 is to be collected and disbursed in the manner provided by sections 488.010 to 488.020. If  
13 imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court  
14 responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer  
15 of the municipality where the violation occurred in cases of violations of municipal ordinances.  
16 If imposed by a county, such surcharges shall be collected and disbursed as provided in sections  
17 488.010 to 488.020. Such surcharges shall be payable to the treasurer of the county where the  
18 violation occurred in the case of violations of the general criminal laws of the state or county  
19 ordinances. [An additional] **Without regard to whether the aforementioned surcharge is**  
20 **assessed, a** surcharge in the amount of one dollar shall be assessed as provided in this section,  
21 and shall be collected and disbursed as provided in sections 488.010 to 488.020 and payable to  
22 the state treasury to the credit of the peace officer standards and training commission fund  
23 created in section 590.178, RSMo. Such surcharges shall be in addition to the court costs and  
24 fees and limits on such court costs and fees established by section 66.110, RSMo, and section  
25 479.260, RSMo.

26       2. Each county and municipality shall use all funds received under this section only to  
27 pay for the training required as provided in sections 590.100 to 590.180, RSMo, or for the  
28 training of county coroners and their deputies **provided that any excess funds not allocated to**  
29 **pay for such training may be used to pay for additional training of peace officers or for**  
30 **training of other law enforcement personnel employed or appointed by the county or**  
31 **municipality.** No county or municipality shall retain more than one thousand five hundred  
32 dollars of such funds for each certified law enforcement officer, candidate for certification  
33 employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be  
34 transmitted quarterly to the general revenue fund of the county or municipality treasury which  
35 assessed the costs.

**590.010. As used in this chapter, the following terms mean:**

- 2       (1) "Commission", when not obviously referring to the POST commission, means  
3 a grant of authority to act as a peace officer;  
4       (2) "Director", the director of the Missouri department of public safety or his or  
5 her designated agent or representative;  
6       (3) "Peace officer", a law enforcement officer of the state or any political  
7 subdivision of the state with the power of arrest for a violation of the criminal code or  
8 declared or deemed to be a peace officer by state statute;  
9       (4) "POST commission", the peace officer standards and training commission;  
10       (5) "Reserve peace officer", a peace officer who regularly works less than thirty  
11 hours per week.

**590.020. 1. No person shall hold a commission as a peace officer without a valid**

2 peace officer license.

3       2. The director shall establish various classes of peace officer license and may  
4 provide that certain classes are not valid for commission within counties of certain  
5 classifications, by certain state agencies, or for commission as other than a reserve peace  
6 officer with police powers restricted to the commissioning political subdivision.

7       3. Notwithstanding any other provision of this chapter, no license shall be required:

8       (1) Of any person who has no power of arrest;

9       (2) To seek or hold an elected county office;

10       (3) To be commissioned pursuant to section 64.335, RSMo, as a park ranger not  
11 carrying a firearm;

12       (4) To be commissioned as a peace officer by a political subdivision having less than  
13 four full-time paid peace officers or a population less than two thousand, provided that  
14 such commission was in effect on the effective date of this section and continually since that  
15 date, and provided that this exception shall not apply to any commission within a county  
16 of the first class having a charter form of government;

17       (5) Of any reserve officer continually holding the same commission since August  
18 15, 1988; or

19       (6) For any person continually holding any commission as a full-time peace officer  
20 since December 31, 1978.

21       4. Any political subdivision or law enforcement agency may require its peace  
22 officers to meet standards more stringent than those required for licensure pursuant to this  
23 chapter.

      590.030. 1. The POST commission shall establish minimum standards for the basic  
2 training of peace officers. Such standards may vary for each class of license established  
3 pursuant to subsection 2 of section 590.020.

4       2. The director shall establish minimum age, citizenship, and general education  
5 requirements and may require a qualifying score on a certification examination as  
6 conditions of eligibility for a peace officer license.

7       3. The director shall provide for the licensure, with or without additional basic  
8 training, of peace officers possessing credentials by other states or jurisdictions, including  
9 federal and military law enforcement officers.

10       4. The director shall establish a procedure for obtaining a peace officer license and  
11 shall issue the proper license when the requirements of this chapter have been met.

12       5. As conditions of licensure, all licensed peace officers shall:

13       (1) Obtain continuing law enforcement education pursuant to rules to be  
14 promulgated by the POST commission; and

15           **(2) Maintain a current address of record on file with the director.**

16           **6. A peace officer license shall automatically expire if the licensee fails to hold a**  
17 **commission as a peace officer for a period of five consecutive years, provided that the**  
18 **POST commission shall provide for the relicensure of such persons and may require**  
19 **retraining as a condition of eligibility for relicensure, and provided that the director may**  
20 **provide for the continuing licensure, subject to restrictions, of persons who hold and**  
21 **exercise a law enforcement commission requiring a peace officer license but not meeting**  
22 **the definition of a peace officer pursuant to this chapter.**

**590.040. 1. The POST commission shall set the minimum number of hours of basic**  
2 **training for licensure as a peace officer no lower than four hundred seventy and no higher**  
3 **than six hundred, with the following exceptions:**

4           **(1) Up to one thousand hours may be mandated for any class of license required for**  
5 **commission by a state law enforcement agency;**

6           **(2) As few as one hundred twenty hours may be mandated for any class of license**  
7 **restricted to commission as a reserve peace officer with police powers limited to the**  
8 **commissioning political subdivision;**

9           **(3) Persons validly licensed on the effective date of this section may retain licensure**  
10 **without additional basic training;**

11           **(4) Persons licensed and commissioned within a county of the third classification**  
12 **before July 1, 2002, may retain licensure with one hundred twenty hours of basic training**  
13 **if the commissioning political subdivision adopts an order or ordinance to that effect; and**

14           **(5) The POST commission shall provide for the recognition of basic training**  
15 **received at law enforcement training centers of other states, the military, the federal**  
16 **government and territories of the United States regardless of the number of hours included**  
17 **in such training and shall have authority to require supplemental training as a condition**  
18 **of eligibility for licensure;**

19           **2. The director shall have the authority to limit any exception provided in**  
20 **subsection 1 of this section to persons remaining in the same commission or transferring**  
21 **to a commission in a similar jurisdiction.**

22           **3. The basic training of every peace officer, except agents of the conservation**  
23 **commission, shall include at least thirty hours of training in the investigation and**  
24 **management of cases involving domestic and family violence. Such training shall include**  
25 **instruction, specific to domestic and family violence cases, regarding: report writing;**  
26 **physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and**  
27 **alleged perpetrators; the nature, extent and causes of domestic and family violence; the**  
28 **safety of victims, other family and household members and investigating officers; legal**

29 rights and remedies available to victims, including rights to compensation and the  
30 enforcement of civil and criminal remedies; services available to victims and their children;  
31 the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said  
32 curriculum shall be developed and presented in consultation with the department of health,  
33 the division of family services, public and private providers of programs for victims of  
34 domestic and family violence, persons who have demonstrated expertise in training and  
35 education concerning domestic and family violence, and the Missouri coalition against  
36 domestic violence.

590.050. 1. The POST commission shall establish requirements for the continuing  
2 education of peace officers and may provide for the director to license continuing  
3 education providers, in which case the director may probate, suspend and revoke such  
4 licenses upon written notice stating the reasons for such action. Any person aggrieved by  
5 a decision of the director pursuant to this subsection may appeal as provided in chapter  
6 536, RSMo.

7 2. The costs of continuing law enforcement education shall be reimbursed in part  
8 by moneys from the peace officer standards and training commission fund created in  
9 section 590.178, subject to availability of funds, except that no such funds shall be used for  
10 the training of any person not actively commissioned or employed by a county or municipal  
11 law enforcement agency.

12 3. The director may engage in any activity intended to further the professionalism  
13 of peace officers through training and education, including the provision of specialized  
14 training through the department of public safety.

590.060. 1. The POST commission shall establish minimum standards for training  
2 instructors and training centers, and the director shall establish minimum qualifications  
3 for admittance into a basic training course.

4 2. The director shall license training instructors, centers, and curricula, and may  
5 probate, suspend and revoke such licenses upon written notice stating the reasons for such  
6 action. Any person aggrieved by a decision of the director pursuant to this subsection may  
7 appeal as provided in chapter 536, RSMo.

8 3. Each person seeking entrance into a basic training program shall submit a  
9 fingerprint card and authorization for a criminal history background check to include the  
10 records of the Federal Bureau of Investigation to the training center where such person is  
11 seeking entrance. The training center shall cause a criminal history background check to  
12 be made and shall cause the resulting report to be forwarded to the director. The person  
13 seeking entrance may be charged a fee for the cost of this procedure.

590.070. 1. The chief executive officer of each law enforcement agency shall, within

2 thirty days after commissioning any peace officer, notify the director on a form to be  
3 adopted by the director. The director may require the chief executive officer to conduct  
4 a current criminal history background check and to forward the resulting report to the  
5 director.

6 2. The chief executive officer of each law enforcement agency shall, within thirty  
7 days after any licensed peace officer departs from employment or otherwise ceases to be  
8 commissioned, notify the director on a form to be adopted by the director. Such notice  
9 shall state the circumstances surrounding the departure from employment or loss of  
10 commission and shall specify any of the following that apply:

11 (1) The officer failed to meet the minimum qualifications for employment or  
12 commission as a peace officer;

13 (2) The officer violated municipal, state or federal law; or

14 (3) The officer violated the regulations of the law enforcement agency.

15 3. Whenever the chief executive officer of a law enforcement agency has reasonable  
16 grounds to believe that any peace officer commissioned by the agency is subject to  
17 discipline pursuant to section 590.080, the chief executive officer shall report such  
18 knowledge to the director.

590.080. 1. The director shall have cause to discipline any peace officer licensee  
2 who:

3 (1) Is unable to perform the functions of a peace officer with reasonable  
4 competency or reasonable safety as a result of a mental or physical condition, including  
5 alcohol or substance abuse;

6 (2) Has committed any criminal offense or any unlawful act that constitutes a  
7 criminal offense, whether or not a criminal charge has been filed;

8 (3) Has committed any act while on active duty or under color of law that involves  
9 moral turpitude or a reckless disregard for the safety of the public or any person;

10 (4) Has caused a material fact to be misrepresented for the purpose of obtaining or  
11 retaining a peace officer commission or any license issued pursuant to this chapter;

12 (5) Has violated a condition of any order of probation issued by the director; or

13 (6) Has violated a provision of this chapter or a rule promulgated pursuant to this  
14 chapter.

15 2. When the director has knowledge of cause to discipline a peace officer license  
16 pursuant to this section, the director may cause a complaint to be filed with the  
17 administrative hearing commission, which shall conduct a hearing to determine whether  
18 the director has cause for discipline, and which shall issue findings of fact and conclusions  
19 of law on the matter. The administrative hearing commission shall not consider the

20 relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise  
21 impinge upon the discretion of the director to determine appropriate discipline when cause  
22 exists pursuant to this section.

23       **3. Upon a finding by the administrative hearing commission that cause to discipline**  
24 **exists, the director shall, within thirty days, hold a hearing to determine the form of**  
25 **discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the**  
26 **license at issue. If the licensee fails to appear at the director's hearing, this shall constitute**  
27 **a waiver of the right to such hearing.**

28       **4. Notice of any hearing pursuant to this chapter or section may be made by**  
29 **certified mail to the licensee's address of record pursuant to subdivision (2) of subsection**  
30 **3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of**  
31 **postal authorities to deliver such certified mail shall be evidence that required notice has**  
32 **been given. Notice may be given by publication.**

33       **5. Nothing contained in this section shall prevent a licensee from informally**  
34 **disposing of a cause for discipline with the consent of the director by voluntarily**  
35 **surrendering a license or by voluntarily submitting to discipline.**

36       **6. The provisions of chapter 621, RSMo, and any amendments thereto, except those**  
37 **provisions or amendments that are in conflict with this chapter, shall apply to and govern**  
38 **the proceedings of the administrative hearing commission and pursuant to this section the**  
39 **rights and duties of the parties involved.**

**590.090. 1. The director shall have cause to suspend immediately the peace officer**  
2 **license of any licensee who:**

3       **(1) Is under indictment for, is charged with, or has been convicted of the**  
4 **commission of any felony;**

5       **(2) Is subject to an order of another state, territory, the federal government, or any**  
6 **peace officer licensing authority suspending or revoking a peace officer license or**  
7 **certification; or**

8       **(3) Presents a clear and present danger to the public health or safety if**  
9 **commissioned as a peace officer.**

10       **2. At any time after the filing of a disciplinary complaint pursuant to section**  
11 **590.080, if the director determines that probable cause exists to suspend immediately the**  
12 **peace officer license of the subject of the complaint, the director may, without notice or**  
13 **hearing, issue an emergency order suspending such license until final determination of the**  
14 **disciplinary complaint. Such order shall state the probable cause for the suspension and**  
15 **shall be served upon the licensee by certified mail at the licensee's address of record**  
16 **pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the**

17 licensee to accept delivery or the inability of postal authorities to deliver such certified mail  
18 shall be evidence that required notice has been given. The director shall also notify the  
19 chief executive officer of any law enforcement agency currently commissioning the officer.  
20 The director shall have authority to dissolve an emergency order of suspension at any time  
21 for any reason.

22 3. A licensee subject to an emergency order of suspension may petition the  
23 administrative hearing commission for review of the director's determination of probable  
24 cause, in which case the administrative hearing commission shall within five business days  
25 conduct an emergency hearing, render its decision, and issue findings of fact and  
26 conclusions of law. Sworn affidavits or depositions shall be admissible and sufficient to  
27 establish probable cause. The administrative hearing commission shall have no authority  
28 to stay or terminate an emergency order of suspension without a hearing pursuant to this  
29 subsection. Findings and conclusions made in determining probable cause for an  
30 emergency suspension shall not be binding on any party in any proceeding pursuant to  
31 section 590.080.

32 4. Any party aggrieved by a decision of the administrative hearing commission  
33 pursuant to this section may appeal to the circuit court of Cole County as provided in  
34 section 536.100, RSMo.

590.100. 1. The director shall have cause to deny any application for a peace officer  
2 license or entrance into a basic training course when the director has knowledge that would  
3 constitute cause to discipline the applicant if the applicant were licensed.

4 2. When the director has knowledge of cause to deny an application pursuant to  
5 this section, the director may grant the application subject to probation or may deny the  
6 application. The director shall notify the applicant in writing of the reasons for such action  
7 and of the right to appeal pursuant to this section.

8 3. Any applicant aggrieved by a decision of the director pursuant to this section  
9 may appeal within thirty days to the administrative hearing commission, which shall  
10 conduct a hearing to determine whether the director has cause for denial, and which shall  
11 issue findings of fact and conclusions of law on the matter. The administrative hearing  
12 commission shall not consider the relative severity of the cause for denial or any  
13 rehabilitation of the applicant or otherwise impinge upon the discretion of the director to  
14 determine whether to grant the application subject to probation or deny the application  
15 when cause exists pursuant to this section. Failure to submit a written request for a  
16 hearing to the administrative hearing commission within thirty days after a decision of the  
17 director pursuant to this section shall constitute a waiver of the right to appeal such  
18 decision.



19           **4. Upon a finding by the administrative hearing commission that cause for denial**  
20 **exists, the director shall not be bound by any prior action on the matter and shall, within**  
21 **thirty days, hold a hearing to determine whether to grant the application subject to**  
22 **probation or deny the application. If the licensee fails to appear at the director's hearing,**  
23 **this shall constitute a waiver of the right to such hearing.**

24           **5. The provisions of chapter 621, RSMo, and any amendments thereto, except those**  
25 **provisions or amendments that are in conflict with this chapter, shall apply to and govern**  
26 **the proceedings of the administrative hearing commission pursuant to this section and the**  
27 **rights and duties of the parties involved.**

[590.100. As used in sections 590.100 to 590.180, the following terms mean:

2           (1) "Certified training academy", any academy located within the state of  
3 Missouri which has been certified by the director to provide training programs for  
4 peace officers in this state;

5           (2) "Chief executive officer", the chief of police, director of public safety,  
6 sheriff, department head or chief administrator of any law enforcement or public  
7 safety agency of the state or any political subdivision thereof who is responsible for  
8 the prevention and detection of crime and the enforcement of the general criminal  
9 laws of the state or for violation of ordinances of a county or municipality;

10          (3) "Director", the director of the Missouri department of public safety;

11          (4) "Peace officer", members of the state highway patrol, all state, county, and  
12 municipal law enforcement officers possessing the duty and power of arrest for  
13 violation of any criminal laws of the state or for violation of ordinances of counties  
14 or municipalities of the state who serve full time, with pay;

15          (5) "Reserve officer", any person who serves in a less than full-time law  
16 enforcement capacity, with or without pay, and who, without certification, has no  
17 power of arrest and who, without certification, must be under the direct and  
18 immediate accompaniment of a certified peace officer of the same agency at all times  
19 while on duty. In a county of the first class adjoining a city not within a county,  
20 reserve peace officers may engage in all nonprimary enforcement activities without  
21 being under direct or immediate accompaniment of a certified peace officer.]

          [590.101. In any county of the first classification with a charter form of  
2 government with a population of nine hundred thousand or more inhabitants, the  
3 definitions contained in section 590.100 shall apply, except that as used in sections  
4 590.100 to 590.180, the following terms shall mean:

5           (1) "Bailiff", an assigned officer of the court subject to control and  
6 supervision and responsible for preserving order and decorum, taking charge of the  
7 jury, guarding prisoners, and other services which are reasonably necessary for the  
8 proper functioning of the court;

9           (2) "Nonprimary enforcement activities", activities which include, but are not  
10 limited to, traffic control, crowd control, checking abandoned, vacated and  
11 temporarily vacated structures, conveyance of motor vehicles, public appearances,  
12 and public educational presentations;

(3) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid; and

(4) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under direct and immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement activities.]

[590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

(1) One hundred twenty hours as of August 28, 1993;

(2) Three hundred hours as of August 28, 1994; and

(3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

35           5. Any federal officer who has the duty and power of arrest on any federal  
36 military installation in this state may, at the option of the federal military installation  
37 in which the officer is employed, participate in the training program required under  
38 the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of  
39 such training program, shall be certified by the director in the same manner provided  
40 for peace officers, as defined in section 590.100, except that the duty and power of  
41 arrest of military officers for violation of the general criminal laws of the state or for  
42 violation of ordinances of counties or municipalities of the state shall extend only to  
43 the geographical boundaries within which the federal military installation is located.  
44 Any costs involved in the training of a federal officer shall be borne by the  
45 participating federal military installation.

46           6. Notwithstanding any provision of this chapter to the contrary, any peace  
47 officer who is employed by a law enforcement agency located within a county of the  
48 third classification shall be required to have no more or less than one hundred twenty  
49 hours of training for certification if the respective city or county adopts an order or  
50 ordinance to that effect.

51           7. The peace officers standards and training commission with input from the  
52 department of health and the division of family services shall provide a minimum of  
53 thirty hours of initial education to all prospective law enforcement officers, except  
54 for agents of the conservation commission, concerning domestic and family violence.

55           8. The course of instruction and the objectives in learning and performance  
56 for the education of law enforcement officers required pursuant to subsection 6 of  
57 this section shall be developed and presented in consultation with public and private  
58 providers of programs for victims of domestic and family violence, persons who have  
59 demonstrated expertise in training and education concerning domestic and family  
60 violence, and the Missouri coalition against domestic violence. The peace officers  
61 standards and training commission shall consider the expertise and grant money of  
62 the national council of juvenile and family court judges, with their domestic and  
63 family violence project, as well as other federal funds and grant moneys available for  
64 training.

65           9. The course of instruction shall include, but is not limited to:

66           (1) The investigation and management of cases involving domestic and  
67 family violence and writing of reports in such cases, including:

68           (a) Physical abuse;

69           (b) Sexual abuse;

70           (c) Child fatalities;

71           (d) Child neglect;

72           (e) Interviewing children and alleged perpetrators;

73           (2) The nature, extent and causes of domestic and family violence;

74           (3) The safety of officers investigating incidents of domestic and family  
75 violence;

76           (4) The safety of the victims of domestic and family violence and other  
77 family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.]

**590.110. 1. The director may investigate any cause for the discipline of any license or denial of any application pursuant to this chapter. During the course of such investigation, the director shall have the power to inspect any training center, require by subpoena the attendance and sworn deposition of any witness and the production of any documents, records, or evidence that the director deems relevant. Subpoenas shall be served by a person authorized to serve subpoenas of courts of record. In lieu of the production of any document or record, the director may require that a sworn copy of such document or record be delivered to the director.**

**2. The director may apply to the circuit court of Cole County or of any county where the person resides or may be found for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. A show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If, after a hearing, the circuit court determines that the subpoena should be enforced, the court shall proceed to enforce the subpoena in the same manner as in a civil case.**

[590.110 1. No person shall be appointed as a peace officer by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of this state, unless he has been certified by the director as provided in sections 590.100 to 590.180, unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment.

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace or reserve officer not later than thirty days after the date of the appointment and include with such notification a copy of a

16 fingerprint card verified by the Missouri state highway patrol pertaining to the results  
17 of a criminal background check of the officer appointed and evidence of the  
18 completion of the standards necessary for employment as provided in sections  
19 590.100 to 590.180.

20 3. Training and certification requirements specified in sections 590.100 to  
21 590.180 are recommended but not required of a reserve officer; however, any person  
22 who serves as a reserve officer in any public law enforcement agency which is  
23 possessed of the duty and power to enforce the general criminal laws of this state or  
24 the ordinances of any political subdivision of this state may, at the option of the  
25 political subdivision in which the reserve officer is appointed, participate in the basic  
26 training program required under the provisions of sections 590.100 to 590.180, and,  
27 upon completion of such training program, shall be certified by the director in the  
28 same manner as provided for peace officers.]

2 [590.112. 1. This section applies to any employees of the sheriff's  
3 department of any county of the first classification with a population of two hundred  
4 thousand or more inhabitants, who have been certified in a program of training,  
5 including but not limited to a training and certification program established pursuant  
6 to this chapter.

7 2. If any person subject to subsection 1 of this section is transferred to a  
8 department of public safety or similar agency as a result of the passage of a charter  
9 form of government in the county, then notwithstanding the provisions of this  
10 chapter, or any local ordinance or order to the contrary, such person's training  
11 certification shall remain in effect and shall not lapse, and the training and  
12 certification required for the person to be employed by the sheriff's department shall  
13 be deemed adequate to be appointed to the department of public safety or similar  
14 agency. If such person is thereafter reassigned to the sheriff's department, such  
15 person shall be deemed certified for appointment to such position, notwithstanding  
16 the provisions of section 590.110, to the contrary; and the chief executive officer as  
17 defined in section 590.100, shall not be required to furnish to the director of the  
18 department of public safety evidence that such person has satisfactorily completed  
instruction in a course of training for peace officers.]

2 [590.115. 1. Training and certification requirements specified in sections  
3 590.100 to 590.180 are recommended but not required of a peace officer who has  
4 been consistently employed as a full-time peace officer and was appointed before  
5 December 31, 1978, whether or not such officer changes his place of employment.

6 2. Training and certification requirements specified in sections 590.100 to  
7 590.180 are recommended but not required of a reserve officer who was appointed  
8 as a reserve officer prior to August 15, 1988. Requirements for certification of such  
9 reserve officers may be determined by the commission. A certified reserve officer  
10 may transfer from one similar jurisdiction to another as a certified reserve officer  
11 without any additional training requirements unless or until the certified reserve  
12 officer becomes or attempts to become a full-time peace officer, at which time the  
individual must satisfy the requirements of this chapter to become a certified

13 full-time police officer, or unless or until the certified reserve officer attempts to  
14 become a certified reserve officer in a jurisdiction wherein the basic training  
15 requirement is higher than the previous jurisdiction's basic training requirement, at  
16 which time the individual must satisfy the higher basic training requirements of the  
17 new jurisdiction to become a certified reserve officer.

18 3. Except as provided in subsections 1, 2 and 4 of this section, in the event  
19 that a peace officer claims to have had prior basic training, the chief executive officer  
20 shall furnish to the director evidence that the noncertified officer has satisfactorily  
21 completed instruction in a course of basic training for peace officers conducted by  
22 a law enforcement training academy or institute which is approved by the director as  
23 providing basic training equivalent to standards set for jurisdictions within this state.  
24 The basic training course satisfactorily completed by the noncertified officer shall  
25 meet the minimum basic training requirements of the jurisdiction in which he is  
26 appointed or is to be appointed as required under the provisions of sections 590.100  
27 to 590.180.

28 4. The director may certify a chief executive officer as qualified under  
29 sections 590.100 to 590.180, if the person's employer furnishes the director with  
30 evidence that the chief executive officer has training or experience equivalent to the  
31 standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI  
32 National Academy or its equivalent as determined by the director, or holds a bachelor  
33 of science degree in criminal justice or a related field received from an accredited  
34 college or university or a doctor of jurisprudence degree received from a college or  
35 university approved by the American Bar Association.

36 5. Peace officers and reserve officers meeting the basic training requirements  
37 under sections 590.100 to 590.180 shall be eligible to be certified by the director.

38 6. Beginning August 28, 1996, the peace officer standards and training  
39 commission shall establish a program of continuing law enforcement education and  
40 training. Each peace officer or reserve officer subject to the training provisions of  
41 sections 590.100 to 590.180 shall participate in continuing law enforcement  
42 education to maintain certification. The providers of continuing law enforcement  
43 education and training, as well as the contents and subject matter thereof, shall be  
44 subject to the approval of the peace officer standards and training commission. The  
45 costs of the continuing law enforcement education and training offered by certified  
46 providers to persons entitled to receive such education and training shall be  
47 reimbursed by moneys from the peace officer standards and training commission  
48 fund created in section 590.178. The peace officer standards and training  
49 commission shall require by rule that all peace officers or reserve officers, subject to  
50 the training provisions herein, contribute, based on standards set by the commission,  
51 to the cost of said training.

52 7. The peace officer standards and training commission may provide by rule  
53 for the reciprocal recognition of equivalent entry level core basic training at a training  
54 center by law enforcement officers of the federal government or other states or  
55 territories of the United States, and may require such additional training prior to

56 certification as the commission deems necessary.]

2 [590.117. The department shall provide by administrative rule for the  
3 requirements for continuing certification of an inactive or unemployed peace officer  
4 during the term of such inactivity or unemployment, provided that the certification  
5 of such peace officers shall expire after five consecutive years of such inactivity or  
6 unemployment. The cost of any continuing law enforcement education and training  
7 required to maintain such certification shall be paid by the inactive or unemployed  
peace officer.]

590.120. 1. There is hereby established within the department of public safety a "Peace  
2 Officer Standards and Training Commission" which shall be composed of nine members,  
3 including a voting public member, appointed by the governor, by and with the advice and  
4 consent of the senate, from a list of qualified candidates submitted to the governor by the director  
5 of the department of public safety. No member of the **POST** commission shall reside in the  
6 same congressional district as any other at the time of their appointments but this provision shall  
7 not apply to the public member. Three members of the **POST** commission shall be police chiefs,  
8 three members [of the commission] shall be sheriffs, one member [of the commission] shall  
9 represent a state law enforcement agency covered by the provisions of [sections 590.100 to  
10 590.180] **this chapter**, and one member shall be a chief executive officer of a certified training  
11 academy. The public member shall be at the time of appointment a registered voter; a person  
12 who is not and never has been a member of any profession certified or regulated under this  
13 chapter or the spouse of such person; and a person who does not have and never has had a  
14 material financial interest in either the providing of the professional services regulated by  
15 [sections 590.100 to 590.180] **this chapter**, or an activity or organization directly related to any  
16 profession certified or regulated under [sections 590.100 to 590.180] **this chapter**. Each  
17 member of the **POST** Commission shall have been at the time of his appointment a citizen of  
18 the United States and a resident of this state for a period of at least one year, and members who  
19 are peace officers shall be qualified as established by [sections 590.100 to 590.180] **this chapter**.  
20 No member of the **POST** commission serving a full term of three years may be reappointed to  
21 the **POST** commission until at least one year after the expiration of his most recent term.

22 2. Three of the original members of the **POST** commission shall be appointed for terms  
23 of one year, three of the original members shall be appointed for terms of two years, and three  
24 of the original members shall be appointed for terms of three years. Thereafter the terms of the  
25 members of the **POST** commission shall be for three years or until their successors are  
26 appointed. The director may remove any member of the **POST** commission for misconduct or  
27 neglect of office. Any member of the **POST** commission may be removed for cause by the  
28 director but such member shall first be presented with a written statement of the reasons thereof,  
29 and shall have a hearing before the **POST** commission if the member so requests. Any vacancy

30 in the membership of the commission shall be filled by appointment for the unexpired term.

31         3. Annually the director shall appoint one of the members as chairperson. The **POST**  
32 commission shall meet at least twice each year as determined by the director or a majority of the  
33 members to perform its duties. A majority of the members of the **POST** commission shall  
34 constitute a quorum.

35         4. No member of the **POST** commission shall receive any compensation for the  
36 performance of his official duties.

37         5. The **POST** commission shall [establish the core curriculum and shall also formulate  
38 definitions, rules and regulations for the administration of peace officer standards and training  
39 and] guide and advise the director concerning duties [as outlined by sections 590.100 to 590.180.  
40 No rule or portion of a rule promulgated under the authority of this chapter shall become  
41 effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo]  
42 **pursuant to this chapter.**

2                 [590.121. The director shall certify such academies, core curriculum and  
3 instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The  
4 certification shall be made by the director on the basis of the experience and  
5 educational background of the instructors, the quality and aptness of curriculum, the  
6 educational equipment and materials used in the training and the methods and  
7 measurements used in such training. The director shall adopt and publish rules  
8 pertaining to the establishment of minimum standards for certification pursuant to  
9 sections 590.100 to 590.180.]

2                 [590.123. 1. The peace officer standards and training commission may  
3 promulgate rules and regulations to effectuate the purposes of this chapter. No rule  
4 or portion of a rule promulgated under the authority of this section shall become  
5 effective until it has been approved by the joint committee on administrative rules in  
6 accordance with the procedures provided in this section, and the delegation of the  
7 legislative authority to enact law by the adoption of such rules is dependent upon the  
8 power of the joint committee on administrative rules to review and suspend rules  
9 pending ratification by the senate and the house of representatives as provided in this  
10 section.

11                 2. Upon filing any proposed rule with the secretary of state, the commission  
12 shall concurrently submit such proposed rule to the committee which may hold  
13 hearings upon any proposed rule or portion thereof at any time.

14                 3. A final order of rulemaking shall not be filed with the secretary of state  
15 until thirty days after such final order of rulemaking has been received by the  
16 committee. The committee may hold one or more hearings upon such final order of  
17 rulemaking during the thirty-day period. If the committee does not disapprove such  
18 order of rulemaking within the thirty-day period, the commission may file such order  
19 of rulemaking with the secretary of state and the order of rulemaking shall be deemed  
20 approved.

21                 4. The committee may, by majority vote of the members, suspend the order



21 of rulemaking or portion thereof by action taken prior to the filing of the final order  
22 of rulemaking only for one or more of the following grounds:

- 23 (1) An absence of statutory authority for the proposed rule;
- 24 (2) An emergency relating to public health, safety or welfare;
- 25 (3) The proposed rule is in conflict with state law;
- 26 (4) A substantial change in circumstance since enactment of the law upon  
27 which the proposed rule is based;
- 28 (5) That the rule is arbitrary and capricious.

29 5. If the committee disapproves any rule or portion thereof, the commission  
30 shall not file such disapproved portion of any rule with the secretary of state and the  
31 secretary of state shall not publish in the Missouri Register any final order of  
32 rulemaking containing the disapproved portion.

33 6. If the committee disapproves any rule or portion thereof, the committee  
34 shall report its findings to the senate and the house of representatives. No rule or  
35 portion thereof disapproved by the committee shall take effect so long as the senate  
36 and the house of representatives ratify the act of the joint committee by resolution  
37 adopted in each house within thirty legislative days after such rule or portion thereof  
38 has been disapproved by the joint committee.

39 7. Upon adoption of a rule as provided in this section, any such rule or  
40 portion thereof may be suspended or revoked by the general assembly either by bill  
41 or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent  
42 resolution upon recommendation of the joint committee on administrative rules. The  
43 committee shall be authorized to hold hearings and make recommendations pursuant  
44 to the provisions of section 536.037, RSMo. The secretary of state shall publish in  
45 the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

[590.125. The director may:

- 2 (1) Publish and distribute to all Missouri law enforcement agencies bulletins,  
3 pamphlets, and educational materials relating to training of peace officers;
- 4 (2) Provide seminars, in-service training and supervisory training to ensure  
5 that officers of all ranks, both appointed and elected, may be offered training in  
6 current enforcement and related subjects on a voluntary enrollment basis;
- 7 (3) Consult with and cooperate with any law enforcement agency or division  
8 of the state government or the federal government for the development of training  
9 programs for the fulfillment of specific needs in law enforcement;
- 10 (4) Issue or authorize the issuance of, suspend or revoke diplomas,  
11 certificates or other appropriate indicia of compliance and qualification to peace  
12 officers who complete specialized training courses offered by the department of  
13 public safety;
- 14 (5) Encourage the further professionalization of peace officers through  
15 training and education.]

[590.130. No elected county peace officer or official shall be required to be  
2 certified under sections 590.100 to 590.180 to seek or hold such office, but all  
3 appointive deputies or assistants of such officer or official who are employed as

4 peace officers, provided that such county has five or more full-time peace officers,  
5 shall be certified as a condition of appointment in the same manner as other peace  
6 officers are required to be certified. No arrest shall be deemed unlawful in any  
7 criminal or civil proceeding solely because the peace officer is not certified under the  
8 terms of sections 590.100 to 590.180. Evidence on the question cannot be received  
9 in any civil or criminal case.]

2 [590.131. The chief executive officer of each law enforcement agency shall  
3 notify the director of a peace officer's separation from the agency, whether voluntary  
4 or involuntary, and shall set forth in detail the facts and reasons for the separation on  
a form to be provided by the director.]

[590.135. 1. The director or any of his designated representatives may:

2 (1) Visit and inspect any certified academy or training program requesting  
3 certification for the purpose of determining whether or not the minimum standards  
4 established pursuant to sections 590.100 to 590.180 are being complied with, and  
5 may issue, suspend or revoke certificates indicating such compliance;

6 (2) Issue, suspend or revoke certificates for instructors under the provisions  
7 of sections 590.100 to 590.180;

8 (3) Issue or authorize the issuance of diplomas, certificates and other  
9 appropriate indicia of compliance and qualification to peace officers trained under  
10 the provisions of sections 590.100 to 590.180.

11 2. The director may refuse to issue, or may suspend or revoke any diploma,  
12 certificate or other indicia of compliance and qualification to peace officers or bailiffs  
13 issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer  
14 for the following:

15 (1) Conviction of a felony including the receiving of a suspended imposition  
16 of a sentence following a plea or finding of guilty to a felony charge;

17 (2) Conviction of a misdemeanor involving moral turpitude;

18 (3) Falsification or a willful misrepresentation of information in an  
19 employment application, or records of evidence, or in testimony under oath;

20 (4) Dependence on or abuse of alcohol or drugs;

21 (5) Use or possession of, or trafficking in, any illegal substance;

22 (6) Gross misconduct indicating inability to function as a peace officer;

23 (7) Failure to comply with the continuing education requirements as  
24 promulgated by rule of the peace officers standards and training commission.

25 3. Any person aggrieved by a decision of the director under this section may  
26 appeal as provided in chapter 536, RSMo.

27 4. Any person or agency authorized to submit information pursuant to this  
28 section to the director shall be immune from liability arising from the submission of  
29 the information so long as the information was submitted in good faith and without  
30 malice.

31 5. The director may refuse to certify any law enforcement school, academy,  
32 or training program, any law enforcement instructor or any peace officer not meeting  
33 the requirements for certification under the provisions of sections 590.100 to

34 590.180. The director shall notify the applicant in writing of the reasons for the  
35 refusal. The applicant shall have the right to appeal the refusal by filing a complaint  
36 with the administrative hearing commission as provided by chapter 621, RSMo, and  
37 the director shall advise the applicant of this right of appeal.

38 6. The director shall cause a complaint to be filed with the administrative  
39 hearing commission as provided by chapter 621, RSMo, against any law enforcement  
40 instructor or any peace officer not in compliance with the requirements for  
41 certification under the provisions of sections 590.100 to 590.180.

42 7. After the filing of the complaint, the proceeding will be conducted in  
43 accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
44 administrative hearing commission that the grounds, provided in subsection 5 of this  
45 section for disciplinary action are met, the director may revoke the certification of  
46 any such law enforcement school, academy, or training program, law enforcement  
47 instructor or any peace officer.]

[590.150. The provisions of sections 590.100 to 590.180 shall not apply to  
2 a political subdivision having a population of less than two thousand persons or  
3 which does not have at least four full-time paid peace officers unless such political  
4 subdivision is located in a county of the first class having a charter form of  
5 government; provided, however, the governing body of the political subdivision may  
6 by order or ordinance elect to come under the provisions of sections 590.100 to  
7 590.180 or such election may be later rescinded and, provided further, that upon  
8 election to come under the provisions of sections 590.100 to 590.180 the political  
9 subdivision shall be entitled to authorize the fees allowed by section 590.140,  
10 otherwise, such fees shall not be collected.]

**590.180. 1. No arrest shall be deemed unlawful solely because of the licensure  
2 status of a peace officer, and evidence on the question cannot be received in any civil or  
3 criminal case.**

**4 2. Any closed record conveyed to the director pursuant to this chapter shall remain  
5 a closed record while retained by the director. The name, licensure status, and  
6 commissioning or employing law enforcement agency, if any, of applicants and licensees  
7 pursuant to this chapter shall be an open record. All other records retained by the director  
8 pertaining to any applicant or licensee shall be closed and shall not be disclosed to the  
9 public or any member of the public, except with written consent of the person or entity  
10 whose records are involved, provided, however, that the director may disclose such  
11 information to law enforcement agencies, to state agencies, in the course of voluntary  
12 interstate exchange of information, during the course of litigation involving the applicant  
13 or licensee and the director, or upon the written consent of the applicant or licensee.  
14 Nothing in this section shall be used to compel the director to disclose any record subject  
15 to attorney-client privilege or work-product privilege.**

**16 3. In any investigation, hearing, or other proceeding pursuant to this chapter, any**

17 record relating to any applicant or licensee shall be discoverable by the director and shall  
18 be admissible into evidence, regardless of any statutory or common law privilege or the  
19 status of any record as open or closed, including records in criminal cases whether or not  
20 a sentence has been imposed. No person or entity shall withhold records or testimony  
21 bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee  
22 on the ground of any privilege involving the applicant or licensee.

23 4. In any administrative hearing pursuant to this chapter, the doctrine of collateral  
24 estoppel shall extend to any issue previously determined in any contested case that resulted  
25 in a decision on the merits and in which the estopped party had a full and fair opportunity  
26 to contest the issue.

27 5. Any person or entity submitting information to the director pursuant to this  
28 chapter and doing so in good faith and without negligence shall be immune from all  
29 criminal and civil liability arising from the submission of such information and no cause  
30 of action of any nature shall arise against such person.

31 6. No person shall make any unauthorized use of any testing materials or  
32 certification examination administered pursuant to subsection 2 of section 590.030.

2 [590.180. 1. Any person who purposely violates any of the provisions of  
section 590.110, 590.115 or 590.175 is guilty of a class B misdemeanor.

3 2. Any law enforcement agency which employs a peace officer who is not  
4 certified as required by sections 590.100 to 590.180 or who is otherwise in violation  
5 of any provision of sections 590.100 to 590.180 shall not be eligible to receive state  
6 or federal funds which would otherwise be paid to it for purposes of training and  
7 certifying peace officers or for other law enforcement, safety or criminal justice  
8 purposes.]

2 590.190. No rule or portion of a rule promulgated pursuant to the authority of this  
chapter shall become effective unless it has been promulgated pursuant to the provisions  
3 of chapter 536, RSMo. The requirements of section 536.016, RSMo, shall be deemed to be  
4 satisfied where this chapter mandates that a rule be promulgated or where a rule  
5 promulgated pursuant to this chapter is purely procedural and without fiscal impact.

2 590.195. 1. A person commits a class B misdemeanor if, in violation of this chapter,  
such person knowingly:

3 (1) Holds a commission as a peace officer without a peace officer license valid for  
4 such commission; or

5 (2) Grants or continues the commission of a peace officer not validly licensed for  
6 such commission.

7 2. Any person who purposely violates any other provision of this chapter shall be  
8 guilty of a class B misdemeanor.

9 3. Any law enforcement agency that commissions a peace officer in violation of this

10 **chapter or that is otherwise in violation of any provision of this chapter shall not be eligible**  
11 **to receive state or federal funds that would otherwise be paid to it for the purpose of**  
12 **training and licensing peace officers or for any other law enforcement, safety, or criminal**  
13 **justice purpose.**