

FIRST REGULAR SESSION

HOUSE BILL NO. 250

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON (90).

Read 1st time January 22, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0924L.011

AN ACT

To repeal section 85.011, RSMo, and to enact in lieu thereof one new section relating to discipline of law enforcement officers.

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

Section A. Section 85.011, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.085, to read as follows:

590.085. 1. As used in this section the following terms shall mean:

(1) "Employing law enforcement agency" or "Law enforcement agency", the state of Missouri or any political subdivision of the state that employs law enforcement officers licensed pursuant to this chapter;

(2) "Hearing", any meeting conducted by a hearing grievance committee for the purpose of taking or adducing testimony or receiving other evidence in order to determine the facts regarding an occurrence which may lead to termination of a law enforcement officer;

(3) "Hearing or grievance committee", one or more individuals designated by a law enforcement agency's published and distributed ordinances, administrative rules or regulations, or written and distributed policies and procedures, which may include already established personnel boards, to review the termination of a law enforcement officer;

(4) "Law enforcement officer" or "Officer", any person who is regularly employed by an employing law enforcement agency and licensed pursuant to this chapter who possesses the duty and power of arrest for violation of the criminal laws of this state or for violation of orders or ordinances of this state or any political subdivision of this state;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

17 **(5) "Termination", disciplinary action taken against a law enforcement officer by**
18 **the employing law enforcement agency, including and limited to dismissal or a disciplinary**
19 **transfer.**

20 **2. Any law enforcement officer who is the subject of termination shall at a**
21 **minimum be furnished with a written statement of the reasons for the termination which**
22 **shall include supporting citations from the employing law enforcement agency's written**
23 **and distributed policies and procedures. Upon receipt of the written reasons for the**
24 **termination the law enforcement officer may, within five working days, request a hearing**
25 **in writing. Such a hearing shall take place before the employing law enforcement agency's**
26 **hearing or grievance committee. The employing law enforcement agency shall schedule**
27 **the hearing no sooner than five days and no later than ten days after the written request**
28 **was received by the law enforcement agency. At such hearings, all voting shall be**
29 **conducted by secret ballot. The results of such hearing shall be reduced to writing and**
30 **distributed to all parties involved. Any law enforcement agency that has published and**
31 **distributed ordinances, administrative rules or regulations, or written and distributed**
32 **policies and procedures, which at a minimum provide an officer who is subject to**
33 **termination with written notification and citation of the reason for the termination and**
34 **allows the officer to request and have a hearing, the results of which are reduced to**
35 **writing, shall be deemed to be in compliance with the provisions of this section and such**
36 **ordinances, rules or regulations or policies and procedures shall remain in effect in the law**
37 **enforcement agencies which have established them.**

2 [85.011. Any law enforcement officer, other than an elected sheriff or deputy,
3 who possesses the duty and power of arrest for violations of the criminal laws of this
4 state or for violations of ordinances of counties or municipalities of this state, who
5 is regularly employed for more than thirty hours per week, and who is employed by
6 a law enforcement agency of this state or political subdivision of this state which
7 employs more than fifteen law enforcement officers, shall be given upon written
8 request a meeting within forty-eight hours of a dismissal, disciplinary demotion or
9 suspension that results in a reduction or withholding of salary or compensatory time.
10 The meeting shall be held before any individual or board as designated by the
11 governing body. At any such meeting, the employing law enforcement agency shall
12 at a minimum provide a brief statement, which may be oral, of the reason of the
13 discharge, disciplinary demotion or suspension, and permit the law enforcement
14 officer the opportunity to respond. The results from such meeting shall be reduced
15 to writing. Any law enforcement agency that has substantially similar or greater
16 procedures shall be deemed to be in compliance with this section. This section shall
17 not apply to an officer serving in a probationary period or to the highest ranking
18 officer of any law enforcement agency. Any law enforcement officer employed by
 the state shall not be subject to the provisions of this section.]