

FIRST REGULAR SESSION

# HOUSE BILL NO. 608

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BROWN (30) (Sponsor), PHILLIPS, DUSENBERG, SANDERS BROOKS, SKAGGS, HUGHES, PRATT, LOWE (44), JOLLY, BLAND, JOHNSON (47), CURLS, FLOOK, BURNETT, LeVOTA, KRAUS, JONES, LIPKE, ROORDA, CASEY, JOHNSON (90), MEINERS, LOW (39), BROWN (50), YOUNG, SALVA, DIXON, BEARDEN, NIEVES, BRUNS AND DEMPSEY (Co-sponsors).

Read 1<sup>st</sup> time February 22, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0767L.01I

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### AN ACT

To repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers.

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

Section A. Section 84.830, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 84.830, to read as follows:

84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board. No officer, agent, or employee of the police department of such cities shall permit any such solicitation in any building or room occupied for the discharge of the official duties of the said department. No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 service, and shall not directly or indirectly attempt to coerce, command, or advise any other  
15 officer or employee to make any such contribution or render any such service. No officer or  
16 employee in the service of said department or member of the police board shall use his official  
17 authority or influence for the purpose of interfering with any election or any nomination for  
18 office, or affecting the result thereof. [No officer or employee of such department shall be a  
19 member or official of any committee of any political party, or be a ward committeeman or  
20 committeewoman, nor shall any such officer or employee solicit any person to vote for or against  
21 any candidate for public office, or "poll precincts" or be connected with other political work of  
22 similar character on behalf of any political organization, party, or candidate.] All such persons  
23 shall, however, retain the right to vote as they may choose and to express their opinions on all  
24 political subjects and candidates.

25 [3.] 2. No person or officer or employee of said department shall affix any sign, bumper  
26 sticker or other device to any property or vehicle under the control of said department which  
27 either supports or opposes any ballot measure or political candidate.

28 [4.] 3. No question in any examination shall relate to political or religious opinions or  
29 affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal  
30 shall be affected by such opinions or affiliations.

31 [5.] 4. No person shall make false statement, certification, mark, rating, or report with  
32 regard to any tests, certificate, or appointment made under any provision of sections 84.350 to  
33 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial  
34 execution of this section or any provision thereof.

35 [6.] 5. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept  
36 any money, service, or other valuable consideration for or on account of any appointment,  
37 proposed appointment, promotion to, or any advancement in, a position in the service of the  
38 police departments of such cities.

39 [7.] 6. No person shall defeat, deceive, or obstruct any person in his right to examination,  
40 eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish  
41 to any person any such secret information for the purpose of affecting the right or prospects of  
42 any person with respect to employment in the police departments of such cities.

43 [8.] 7. Any officer or any employee of the police department of such cities who shall be  
44 found by the board to have violated any of the provisions of this section shall be discharged  
45 forthwith from said service. It shall be the duty of the chief of police to prefer charges against  
46 any such offending person at once. Any member of the board or of the common council of such  
47 cities may bring suit to restrain payment of compensation to any such offending officer or  
48 employee and, as an additional remedy, any such member of the board or of the common council  
49 of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal

50 of such offending officer or employee. Officers or employees discharged by such mandamus  
51 shall have no right of review before the police board. Any person dismissed or convicted under  
52 this section shall, for a period of five years, be ineligible for appointment to any position in the  
53 service of the police department of such cities or the municipal government of such cities. Any  
54 persons who shall willfully or through culpable negligence violate any of the provisions of this  
55 section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not  
56 exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by  
57 both such fine and imprisonment.