

SECOND REGULAR SESSION

# HOUSE BILL NO. 1729

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RUPP (Sponsor), BROWN (30) AND ROORDA (Co-sponsors).

Read 1st time February 9, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### AN ACT

To amend chapters 488 and 590, RSMo, by adding thereto twelve new sections relating to law enforcement safety fund.

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

Section A. Chapters 488 and 590, RSMo, are amended by adding thereto twelve new sections, to be known as sections 488.028, 590.800, 590.803, 590.806, 590.809, 590.812, 590.815, 590.818, 590.821, 590.824, 590.827, and 590.830, to read as follows:

**488.028. As provided by section 590.806, RSMo, there shall be assessed and collected a surcharge of seven dollars in all municipal criminal cases filed in the courts of this state, including violations of any county ordinance or any violation of criminal or traffic laws, including infractions, but no such surcharge shall be assessed when costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine under subsection 4 of section 476.385, RSMo. For purposes of this section, the term "county ordinance" shall include any ordinance of any city not within a county. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the law enforcement safety fund created under section 590.803, RSMo.**

**590.800. As used in sections 590.800 to 590.830, unless the context clearly indicates that a different meaning is intended, the following terms shall mean:**

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.

3           (1) **"Board of directors" or "board", the board of directors established in sections**  
4 **590.800 to 590.830;**

5           (2) **"Creditable membership service", service as a police chief or a police officer of**  
6 **an eligible municipality or as a deputy sheriff after becoming a member that is creditable**  
7 **in determining the amount of the member's benefits under this system;**

8           (3) **"Defined contribution system" or "system", the law enforcement safety fund**  
9 **system authorized by sections 590.800 to 590.830;**

10          (4) **"Employee", any full-time police chief or police officer of a municipal police**  
11 **department in this state, including the Kansas City police department, the St. Louis police**  
12 **department, and the St. Louis County police department, and any full-time deputy sheriffs;**

13          (5) **"Member" and "eligible members", any active police chief, police officer,**  
14 **sheriff, or deputy sheriff of the system; any former police chief, police officer, sheriff, or**  
15 **deputy sheriff receiving benefits from the system; any former police chief, police officer,**  
16 **sheriff, or deputy sheriff that is vested in the system but not receiving benefits; any police**  
17 **chief, police officer, sheriff, or deputy sheriff on disability leave; and for the purposes of**  
18 **section 590.812, any police chief or police officer who is employed full-time by an eligible**  
19 **municipality or any sheriff or deputy sheriff who is employed full-time by a county;**

20          (6) **"Municipality" or "eligible municipality", each municipal police department,**  
21 **including the Kansas City police department, the St. Louis police department, and the St.**  
22 **Louis County police department;**

23          (7) **"Prior service", the total years of full-time licensed and commissioned law**  
24 **enforcement service.**

**590.803. There is hereby established a "Law Enforcement Safety Fund" which**  
2 **shall be under the management of a board of directors described in section 590.809. The**  
3 **board of directors shall be responsible for the administration and the investment of the**  
4 **funds of such fund. Neither the general assembly nor the governing body of a county shall**  
5 **appropriate funds for deposit in the fund. If insufficient funds are generated to provide**  
6 **the benefits payable under the provisions of sections 590.800 to 590.830, the board shall**  
7 **proportion the benefits according to the funds available.**

**590.806. 1. Beginning August 28, 2006, the following surcharge for police chiefs,**  
2 **police officers, and deputy sheriffs shall be collected and paid as follows:**

3           (1) **There shall be assessed and collected a surcharge of seven dollars in all criminal**  
4 **cases filed in the courts of this state, including a violation of any county or municipal**  
5 **ordinance, or any violation of criminal or traffic laws, including infractions, but no such**  
6 **surcharge shall be assessed when the costs are waived or are to be paid by the state, county,**  
7 **or municipality or when a criminal proceeding or the defendant has been dismissed by the**

8 court. For purposes of this section, the term "county ordinance" shall include any  
9 ordinance of any city not within a county;

10 (2) The clerk responsible for collecting court costs in criminal cases shall collect and  
11 disburse such amounts as provided by sections 488.010 to 488.026, RSMo. Such funds shall  
12 be payable to the law enforcement safety fund created under section 590.803, and shall be  
13 used only for the purposes provided for in sections 590.800 to 590.830. This fee shall be  
14 collected in all criminal cases, including violations of any county or municipal ordinances  
15 or any violations of criminal or traffic laws, including cases where a collection agency is  
16 being used.

17 2. The board may accept gifts, donations, grants, and bequests from public or  
18 private sources to the law enforcement safety fund.

590.809. 1. The general administration and the responsibility for the proper  
2 operation of the fund and the investment of the fund are vested in a board of directors of  
3 seven persons. Two shall be either elected or appointed chiefs of police who are members  
4 of the Missouri Police Chiefs' Association, two of the directors shall be appointed full-time  
5 police officers who are members of a state fraternal order of police, one of the directors  
6 shall be sheriff, one of the directors shall be a member of the general assembly from the  
7 joint committee on retirement, and one of the directors shall be a member at-large  
8 appointed by the board. The two police chief directors shall be elected by a secret ballot  
9 vote of the police chiefs of the municipality. The two police officers or deputy sheriff  
10 directors shall be elected by a secret ballot vote of police officers under the rank of chief  
11 and deputy sheriffs. The director from the general assembly shall be appointed by the  
12 governor. Directors shall be chosen for terms of four years from the first day of January,  
13 except that the members of the first board shall be appointed by the governor by and with  
14 the consent of the senate. It shall be the responsibility of the initial board to establish  
15 procedures for the conduct of future elections of trustees and such procedures shall be  
16 approved by a majority vote by secret ballot of the police chiefs, officers, and deputy  
17 sheriffs. The board shall have all powers and duties that are necessary and proper to  
18 enable it, its officers, employees, and agents to fully and effectively carry out all the  
19 purposes of sections 590.800 to 590.830.

20 2. The board of directors shall elect one of their members as chair and one of their  
21 members as vice chair and may employ an administrator who shall serve as secretary to  
22 the board. The board shall hold regular meetings at least once each quarter. Other  
23 meetings may be called as necessary by the chair. Notice of such meetings shall be given  
24 in accordance with chapter 610, RSMo.

25           **3. The board of directors shall retain an actuary as technical advisor to the board**  
26 **of directors and an investment counsel to be an investment advisor to the board, and the**  
27 **board of directors shall arrange for annual audits by a certified public accountant.**

28           **4. The board of directors shall serve without compensation for their services as**  
29 **such, except that each director shall be paid for any necessary expenses incurred in the**  
30 **performance of duties authorized by the board.**

31           **5. The board of directors shall be allowed administrative costs for the operation of**  
32 **the system.**

33           **6. The board shall keep a record of its proceedings which shall be open to public**  
34 **inspection and shall annually prepare a report showing the financial condition of the**  
35 **system. The report shall contain, but not be limited to, an auditor's opinion, financial**  
36 **statements prepared in accordance with generally accepted accounting principles, an**  
37 **actuary's certification along with actuarial assumptions, and financial solvency tests.**

38           **7. Notwithstanding any other provisions of law, after the expiration of the terms**  
39 **of the board of trustees or directors holding office on January 1, 2007, the directors elected**  
40 **as successors to those directors holding office on January 1, 2007, shall be elected to**  
41 **staggered terms of four years each in the following manner: two directors shall be elected**  
42 **for a two-year term with their successors being elected to four-year terms, and three**  
43 **directors shall be elected for a four-year term. The procedures for such elections and the**  
44 **designation of which terms will initially be two-year terms and which will be four-year**  
45 **terms shall be established solely by the board of directors of the law enforcement safety**  
46 **fund system. Three directors shall be elected by a secret ballot vote of the active and**  
47 **eligible police officers with a rank less than chief. Beginning with the election of directors**  
48 **under the provisions of this subsection, at least one, but not more than two of the directors,**  
49 **may be a member of the law enforcement safety fund system, except that any vacancies**  
50 **occurring on the board after all members have been duly elected shall be filled by the**  
51 **board and such appointed members shall serve until the next regularly scheduled election**  
52 **for such filled position.**

53           **8. Notwithstanding any provision of law, any board member who was elected to the**  
54 **board as an active member representative and becomes a retired member of the system**  
55 **after such election shall, with the approval of the board, continue to serve on the board as**  
56 **an active member representative until the next regularly scheduled election for that**  
57 **position.**

**590.812. On or after the effective date of the establishment of the system, as an**  
2 **incident to his or her employment or continued employment, each person employed full-**  
3 **time as an elected marshal or chief of police, appointed chief of police, police officer of a**

4 municipality, sheriff, or deputy sheriff of a county, including sheriffs from St. Louis  
5 County and Kansas City, but excluding sheriffs from St. Louis city, may become a member  
6 of the system upon their enrollment as a member of the system and their first monthly  
7 contribution payment of a minimum of twenty dollars. Such membership shall continue  
8 as long as the member continues to be an employee in a municipal police department or in  
9 a sheriff's office, continues to make, at the very least, the minimum monthly contribution,  
10 or is eligible to receive grants from the fund under the provisions of sections 590.800 to  
11 590.830.

590.815. 1. Any member who is a police chief or police officer of an eligible  
2 municipality or a sheriff or deputy sheriff of a county shall receive the funds the member  
3 personally contributes, at any time, plus any interest or dividends accrued, minus any  
4 maintenance fees.

5 2. In addition to the funds the member personally contributes, any member who  
6 has ten years or more of creditable membership service and a minimum of ten years of  
7 prior service as a police chief or police officer of an eligible municipality or as a deputy  
8 sheriff of a county or who has five years or more of creditable membership service and a  
9 minimum of fifteen years of prior service as a police chief or police officer of an eligible  
10 municipality or as a sheriff or deputy sheriff may also receive the moneys payable from  
11 surcharges collected as set forth in section 488.028, RSMo, and section 590.806, if the  
12 member is eligible to receive such funds and has met the retirement requirements. Such  
13 funds granted shall be equally divided among the eligible members who participate in the  
14 defined contribution system and shall be available beginning January first next succeeding  
15 the expiration of five calendar years from the effective date of the establishment of the  
16 system to eligible employees. The money amount granted shall be continued to any  
17 survivor determined and officially documented by each member upon enrollment and may  
18 be revised by official notification. In no case shall any member receive benefits from the  
19 program prior to the age of fifty-five.

590.818. For the purpose of calculating benefits of a member, creditable  
2 membership service years of service as a member of the program and twelfths of a year are  
3 to be used.

590.821. Any eligible police chief, officer, sheriff, or deputy sheriff who becomes  
2 a member of the system on the effective date of the establishment of the system shall be  
3 given credit for eligible prior service up to fifteen years. All such prior service shall be  
4 established to the satisfaction of the board.

590.824. Any member may receive at any time after the end of the month during  
2 which the member becomes eligible under the provisions of section 590.815 and upon the

3 member's submission of a written application to the board setting forth at what time, not  
4 less than thirty days nor more than ninety days subsequent to the execution and filing of  
5 the application, the member desires to receive grants from the fund.

590.827. 1. A former member who has forfeited creditable service may have the  
2 creditable service restored by again becoming an employee and completing the creditable  
3 membership service, as set forth in section 590.812.

4 2. Absences for sickness or injury of less than twelve months shall be counted as  
5 membership service.

590.830. The benefits under sections 590.800 to 590.830 shall in no way affect any  
2 person's eligibility for benefits under any other operating system.

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