

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 41
94TH GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, April 19, 2007, with recommendation that the Senate Committee Substitute do pass.

0487S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 86.365, 195.503, 590.040, and 650.120, RSMo, and to enact in lieu thereof three new sections relating to law enforcement, with an emergency clause for certain sections.

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

Section A. Sections 86.365, 195.503, 590.040, and 650.120, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be known as sections
3 195.503, 590.040, and 650.120, to read as follows:

195.503. As used in sections 195.501 to 195.511, the following terms
2 mean:

- 3 (1) "Department", the department of public safety;
4 (2) "Director", the director of the department of public safety;
5 (3) "Drug laws", all laws regulating the production, sale, prescribing,
6 manufacturing, administering, transporting, having in possession, dispensing,
7 distributing, or use of controlled substances, as defined in section 195.010;
8 (4) "Multijurisdictional enforcement group", or "MEG", a combination of
9 political subdivisions established under sections 573.500 and 573.503, RSMo,
10 section 178.653, RSMo, and section 311.329, RSMo, to [enforce the drug laws of
11 this state] **investigate and enforce computer, Internet-based, narcotics,**
12 **and drug violations.**

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

- 4 (1) Up to one thousand hours may be mandated for any class of license

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

5 required for commission by a state law enforcement agency;

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

9 (3) Persons validly licensed on August 28, 2001, may retain licensure
10 without additional basic training;

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

15 (5) Persons [commissioned and] serving as a reserve [peace] officer **on**
16 **August 27, 2001**, within a county of the first classification **or a county with**
17 **a charter form of government and with more than one million**
18 **inhabitants** on August [28] **27**, 2001, having previously completed a minimum
19 of one hundred sixty hours of training, shall be granted a license necessary to
20 function as a reserve peace officer **only within such county. For the**
21 **purposes of this subdivision, the term "reserve officer" shall mean any**
22 **person who serves in a less than full-time law enforcement capacity,**
23 **with or without pay and who, without certification, has no power of**
24 **arrest and who, without certification, must be under the direct and**
25 **immediate accompaniment of a certified peace officer of the same**
26 **agency at all times while on duty; and**

27 (6) The POST commission shall provide for the recognition of basic
28 training received at law enforcement training centers of other states, the military,
29 the federal government and territories of the United States regardless of the
30 number of hours included in such training and shall have authority to require
31 supplemental training as a condition of eligibility for licensure.

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

35 3. The basic training of every peace officer, except agents of the
36 conservation commission, shall include at least thirty hours of training in the
37 investigation and management of cases involving domestic and family
38 violence. Such training shall include instruction, specific to domestic and family
39 violence cases, regarding: report writing; physical abuse, sexual abuse, child
40 fatalities and child neglect; interviewing children and alleged perpetrators; the

41 nature, extent and causes of domestic and family violence; the safety of victims,
42 other family and household members and investigating officers; legal rights and
43 remedies available to victims, including rights to compensation and the
44 enforcement of civil and criminal remedies; services available to victims and their
45 children; the effects of cultural, racial and gender bias in law enforcement; and
46 state statutes. Said curriculum shall be developed and presented in consultation
47 with the department of health and senior services, the division of family services,
48 public and private providers of programs for victims of domestic and family
49 violence, persons who have demonstrated expertise in training and education
50 concerning domestic and family violence, and the Missouri coalition against
51 domestic violence.

650.120. 1. Subject to appropriation, the department of public safety shall
2 create a program to distribute grants to multijurisdictional Internet cyber crime
3 law enforcement task forces, **multijurisdictional enforcement groups, as**
4 **defined in section 195.503, RSMo, that are investigating Internet sex**
5 **crimes against children,** and other law enforcement agencies. **Not more**
6 **than three percent of the money appropriated may be used by the**
7 **department to pay the administrative costs of the grant program.** The
8 grants shall be awarded and used to pay the salaries of detectives and computer
9 forensic personnel whose focus is investigating Internet sex crimes against
10 children, including but not limited to enticement of a child, possession or
11 promotion of child pornography, [and to] provide funding for the training of law
12 enforcement personnel, **and purchase necessary equipment, supplies, and**
13 **services.** The funding for such training may be used to cover the travel expenses
14 of those persons participating.

15 2. A panel is hereby established in the department of public safety to
16 award grants under this program and shall be comprised of the following
17 members:

18 (1) The director of the department of public safety, or his or her designee;

19 (2) Two members shall be appointed by the director of the department of
20 public safety from a list of six nominees submitted by the Missouri Police Chiefs
21 Association;

22 (3) Two members shall be appointed by the director of the department of
23 public safety from a list of six nominees submitted by the Missouri Sheriffs'
24 Association;

25 (4) Two members of the state highway patrol shall be appointed by the

26 director of the department of public safety from a list of six nominees submitted
27 by the Missouri State Troopers Association;

28 (5) One member of the house of representatives who shall be appointed
29 by the speaker of the house of representatives; and

30 (6) One member of the senate who shall be appointed by the president pro
31 tem.

32 The panel members who are appointed under subdivisions (2), (3), and (4) of this
33 subsection shall serve a four-year term ending four years from the date of
34 expiration of the term for which his or her predecessor was appointed. However,
35 a person appointed to fill a vacancy prior to the expiration of such a term shall
36 be appointed for the remainder of the term. Such members shall hold office for
37 the term of his or her appointment and until a successor is appointed. The
38 members of the panel shall receive no additional compensation but shall be
39 eligible for reimbursement for mileage directly related to the performance of
40 panel duties.

41 3. Local matching amounts, which may include new or existing funds or
42 in-kind resources including but not limited to equipment or personnel, are
43 required for multijurisdictional Internet cyber crime law enforcement task forces
44 and other law enforcement agencies to receive grants awarded by the panel. Such
45 amounts shall be determined by the state appropriations process or by the panel.

46 4. When awarding grants, priority should be given to newly hired
47 detectives and computer forensic personnel.

48 5. The panel shall establish minimum training standards for detectives
49 and computer forensic personnel participating in the grant program established
50 in subsection 1 of this section.

51 6. Multijurisdictional Internet cyber crime law enforcement task forces
52 and other law enforcement agencies participating in the grant program
53 established in subsection 1 of this section shall share information and cooperate
54 with the highway patrol and with existing Internet Crimes Against Children task
55 force programs.

56 7. The panel may make recommendations to the general assembly
57 regarding the need for additional resources or appropriations.

58 8. **The power of arrest of any peace officer who is duly**
59 **authorized as a member of a multijurisdictional Internet cyber crime**
60 **law enforcement task force shall only be exercised during the time such**
61 **peace officer is an active member of such task force and only within the**

62 scope of the investigation on which the task force is
63 working. Notwithstanding other provisions of law to the contrary, such
64 task force officer shall have the power of arrest, as limited in this
65 subsection, anywhere in the state and shall provide prior notification
66 to the chief of police of a municipality or the sheriff of the county in
67 which the arrest is to take place. If exigent circumstances exist, such
68 arrest may be made and notification shall be made to the chief of police
69 or sheriff as appropriate and as soon as practical. The chief of police
70 or sheriff may elect to work with the multijurisdictional Internet cyber
71 crime law enforcement task force at his or her option when such task
72 force is operating within the jurisdiction of such chief of police or
73 sheriff.

74 9. Under section 23.253, RSMo, of the Missouri sunset act:

75 (1) The provisions of the new program authorized under this section shall
76 sunset automatically six years after June 5, 2006, unless reauthorized by an act
77 of the general assembly; and

78 (2) If such program is reauthorized, the program authorized under this
79 section shall sunset automatically twelve years after the effective date of the
80 reauthorization of this section; and

81 (3) This section shall terminate on September first of the calendar year
82 immediately following the calendar year in which the program authorized under
83 this section is sunset.

2 [86.365. Any person who served as a policeman for a period
3 of thirty years and who terminated employment and actually
4 retired prior to October 1, 1957, in the police department of any
5 city not within a county, under the provisions of this chapter, shall,
6 upon application to the police department of that city, be employed
7 by the department as a special advisor and supervisor in
8 connection with city police problems. Any person so employed shall
9 perform such duties as the chief of police directs and shall receive
10 a salary of one hundred dollars per month, payable out of the
11 department budget pursuant to appropriations for the purpose;
12 except that the payment to the retired person for such services,
13 together with the retirement benefits such retired person receives
14 under this chapter, shall not exceed two hundred dollars per
month. The employment provided for by this section shall in no

15 way affect any person's eligibility for retirement benefits under any
16 provision of this chapter.]

 Section B. Because of the need to protect the citizens of this state, the
2 repeal and reenactment of sections 195.503 and 650.120 of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and the repeal and reenactment of sections 195.503 and 650.120 of
6 this act shall be in full force and effect upon its passage and approval.

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