

FIRST REGULAR SESSION
[CORRECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 369
AND
SENATE BILL NO. 550
94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 25, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 369 and Senate Bill No. 550 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1175L.07C

AN ACT

To repeal sections 43.030, 43.050, 43.060, 43.090, 43.220, 44.020, 44.024, 195.503, 590.030, and 650.120, RSMo, and to enact in lieu thereof twelve new sections relating to certain law enforcement personnel.

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

Section A. Sections 43.030, 43.050, 43.060, 43.090, 43.220, 44.020, 44.024, 195.503,
2 590.030, and 650.120, RSMo, are repealed and twelve new sections enacted in lieu thereof, to
3 be known as sections 43.030, 43.050, 43.060, 43.090, 43.220, 43.546, 43.547, 44.020, 44.024,
4 195.503, 590.030, and 650.120, to read as follows:

43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed
2 **from the uniformed membership or a retired member of the patrol** by the governor by and
3 with the advice and consent of the senate. The superintendent shall hold office at the pleasure

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.

4 of the governor. The superintendent shall be a citizen of the United States and a resident
5 taxpaying citizen of this state for a period of three years previous to being appointed as
6 superintendent and shall be at least thirty years of age. The superintendent shall maintain an
7 office [and reside] in Jefferson City.

8 2. The superintendent of the Missouri state highway patrol shall:

9 (1) Have command of the patrol and perform all duties imposed on the superintendent
10 and exercise all of the powers and authority conferred upon the superintendent by the provisions
11 of this chapter and the requirements of chapter 650, RSMo;

12 (2) Within available appropriations, establish an equitable pay plan for the members of
13 the highway patrol and radio personnel taking into consideration ranks and length of service.

43.050. 1. The superintendent may appoint not more than twenty-five captains and one
2 director of radio, each of whom shall have the same qualifications as the superintendent, nor
3 more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so
4 that the total number of members of the patrol shall not exceed nine hundred sixty-five officers
5 and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

6 2. In case of a national emergency the superintendent may name additional patrolmen
7 and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel
8 called into military services.

9 3. **The superintendent may enter into an agreement with the Missouri gaming**
10 **commission to enforce any law, rule, or regulation, conduct background investigations**
11 **authorized under the laws of this state, and enforce the regulations of licensed gaming**
12 **activities governed by chapter 313, RSMo. A notice of either party to terminate or modify**
13 **the provisions of such agreement shall be in writing and executed not less than one year**
14 **from the effective date of the termination or modification, unless mutually agreed upon by**
15 **the superintendent and the Missouri gaming commission.** Members of the patrol hired in
16 conjunction with any agreement with the Missouri gaming commission shall not be subject to
17 the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently
18 terminated or modified to reduce the number of personnel used in such agreement, those
19 members affected by such termination or modification shall not be subject to the personnel cap
20 referenced in subsection 1 of this section for a period of [three] **five** years.

21 4. [Members] **Member positions** of the patrol [hired] **originally acquired** in
22 conjunction with the community-oriented policing services federal grant or members assigned
23 to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel
24 cap referenced in subsection 1 of this section.

25 5. Applicants shall not be discriminated against because of race, creed, color, national
26 origin or sex.

 43.060. 1. Patrolmen and radio personnel shall not be less than twenty-one years of age.
2 No person shall be appointed as superintendent or member of the patrol or as a member of the
3 radio personnel who has been convicted of a felony or any crime involving moral turpitude, or
4 against whom any indictment or information may then be pending charging the person with
5 having committed a crime, nor shall any person be appointed who is not of good character or
6 who is not a citizen of the United States and who at the time of appointment is not a citizen of
7 the state of Missouri; or who [is not a graduate of an accredited four-year high school or in lieu
8 thereof] **has not completed a high school program of education under chapter 167, RSMo,**
9 **or who** has not obtained a **General Educational Development (GED)** certificate [of
10 equivalency from the state department of elementary and secondary education or other source
11 recognized by that department], **and who has not obtained advanced education and**
12 **experience as approved by the superintendent,** or who does not possess ordinary physical
13 strength, and who is not able to pass the physical and mental examination that the superintendent
14 prescribes.

15 2. Except as provided in subsections 3 and 4 of this section, no member of the patrol
16 shall hold any other commission or office, elective or appointive, while a member of the patrol,
17 except that the superintendent may authorize specified members to accept federal commissions
18 providing investigative and arrest authority to enforce federal statutes while working with or at
19 the direction of a federal law enforcement agency. No member of the patrol shall accept any
20 other employment, compensation, reward, or gift other than regular salary and expenses as herein
21 provided except with the written permission of the superintendent. No member of the patrol
22 shall perform any police duty connected with the conduct of any election, nor shall any member
23 of the patrol at any time or in any manner electioneer for or against any party ticket, or any
24 candidate for nomination or election to office on any party ticket, nor for or against any
25 proposition of any kind or nature to be voted upon at any election.

26 3. Members of the patrol shall be permitted to be candidates for and members or
27 directors of the school board in any school district where they meet the requirements for that
28 position as set forth in chapter 162, RSMo. Members of the patrol who become school board
29 directors or members within the state shall be permitted to receive benefits or compensation for
30 their service to the school board as provided by chapter 162, RSMo.

31 4. The superintendent may, by general order, set forth the circumstances under which
32 members of the patrol may, in addition to their duties as members of the patrol, be engaged in
33 secondary employment.

43.090. [The board of public buildings shall provide suitable offices for general
2 headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the
3 superintendent, or some member of the patrol designated by him.] The superintendent[, with the
4 consent and approval of the commission,] shall employ such clerical force, radio operators, and
5 other subordinates, and shall provide such office equipment, stationery, postage supplies,
6 [telegraph] **communication** and telephone facilities as he **or she** shall deem necessary **for**
7 **general headquarters at Jefferson City, Missouri**, and shall also provide offices, equipment,
8 stationery, postage, clerical force, **communication, telephone**, and other subordinates for the
9 headquarters of each [district] **troop or division** of the patrol. The state highway patrol [radio
10 network] **communications division** shall be under the control of and at the service of the
11 superintendent for such regular and emergency [bulletins] **communications**, and service as the
12 superintendent may require [from time to time].

43.220. Neither the governor[, the commission,] nor the superintendent shall have any
2 power, right or authority to command, order or direct any member of the patrol to perform any
3 duty or service not authorized [by this chapter] **under state statute**.

**43.546. 1. Any state agency, board, or commission may require the fingerprinting
2 of applicants in specified occupations or appointments within the state agency, board, or
3 commission for the purpose of positive identification and receiving criminal history record
4 information when determining an applicant's ability or fitness to serve in such occupation
5 or appointment.**

**2. In order to facilitate the criminal background check under subsection 1 of this
7 section on any person employed or appointed by a state agency, board, or commission, and
8 in accordance with section 43.543, the applicant or employee shall submit a set of
9 fingerprints collected under the standards determined by the Missouri highway patrol.
10 The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded
11 to the highway patrol to be used to search the state criminal history repository and the
12 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national
13 criminal background check. Notwithstanding the provisions of section 610.120, RSMo, all
14 records related to any criminal history information discovered shall be accessible and
15 available to the state agency making the request.**

**43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall
2 conduct name or fingerprint background investigations of gubernatorial appointees. The
3 governor's directive shall state whether the background investigation shall be a name
4 background investigation or a fingerprint background investigation. In addition, the
5 patrol may, at the governor's direction, conduct other appropriate investigations to**

6 **determine if an applicant or appointee is in compliance with section 105.262, RSMo, and**
7 **other necessary inquiries to determine the person's suitability for positions of public trust.**

8 **2. In order to facilitate the fingerprint background investigation under subsection**
9 **1 of this section, and in accordance with the provisions of section 43.543, the appointee**
10 **shall submit a set of fingerprints collected under the standards determined by the Missouri**
11 **highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall**
12 **be forwarded to the highway patrol to be used to search the state criminal history**
13 **repository and the fingerprints shall be forwarded to the Federal Bureau of Investigation**
14 **for a national criminal background check. Any background investigation conducted at the**
15 **direction of the governor under subsection 1 of this section may include criminal history**
16 **record information and other source information obtained by the highway patrol.**

44.020. There is hereby created within the [military division of the executive department,
2 office of the adjutant general] **department of public safety**, the "State Emergency Management
3 Agency", for the general purpose of assisting in coordination of national, state and local activities
4 related to emergency functions by coordinating response, recovery, planning and mitigation.
5 This agency shall also serve as the statewide coordinator for activities associated with the
6 National Flood Insurance Program.

44.024. The [adjutant general, subject to the direction and control of the governor,]
2 **director of the department of public safety** shall be the executive head of the office of the state
3 emergency management agency **and shall appoint a director of the state emergency**
4 **management agency to manage the day-to-day operations of the office.**

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

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

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 pursuant
3 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 conditions of
6 eligibility for a peace officer license. **Such general education requirements shall require**
7 **completion of a high school program of education under chapter 167, RSMo, or**
8 **obtainment of a general education development (GED) certificate.**

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

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

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

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

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

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

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

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

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

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

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

19 (4) Two members of the state highway patrol shall be appointed by the director of the
20 department of public safety from a list of six nominees submitted by the Missouri State Troopers
21 Association;

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

24 (6) One member of the senate who shall be appointed by the president pro tem.
25

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

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

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

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

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

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

48 8. **The power of arrest of any peace officer who is duly authorized as a member of**
49 **a multijurisdictional Internet cyber crime law enforcement task force shall only be**

50 exercised during the time the peace officer is an active member of such task force and only
51 within the scope of the investigation on which the task force is working. Notwithstanding
52 other provisions of law to the contrary, such task force officer shall have the power of
53 arrest, as limited by this subsection, anywhere in the state and shall provide prior
54 notification to the chief of police of a municipality or the sheriff of the county in which the
55 arrest is to take place. If exigent circumstances exist, such arrest may be made and
56 notification shall be made to the chief of police or sheriff as appropriate and as soon as
57 practical. The chief of police or sheriff may elect to work with the multijurisdictional
58 Internet cyber crime law enforcement task force at his or her option when such task force
59 is operating within the jurisdiction of such chief of police or sheriff.

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

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

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

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

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