

FIRST REGULAR SESSION

HOUSE BILL NO. 923

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KRATKY.

Read 1st time February 20, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1818L.01I

AN ACT

To repeal sections 84.120 and 84.170, RSMo, and to enact in lieu thereof two new sections relating to the St. Louis board of police commissioners.

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

Section A. Sections 84.120 and 84.170, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 84.120 and 84.170, to read as follows:

84.120. **1.** No person shall be appointed or employed as policeman, turnkey, or officer
2 of police who shall have been convicted of, or against whom any indictment may be pending,
3 for any offense, the punishment of which may be confinement in the penitentiary; nor shall any
4 person be so appointed who is not of good character, or who is not a citizen of the United States,
5 or who is not able to read and write the English language, or who does not possess ordinary
6 physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while
7 they shall faithfully perform their duties and possess mental and physical ability and be subject
8 to removal only for cause after a hearing by the boards, who are hereby invested with the
9 [exclusive] jurisdiction in the premises.

10 **2. The board shall have the sole discretion whether to delegate portions of its**
11 **jurisdiction to others, including hearing officers. The board shall retain final and ultimate**
12 **authority over such matters and over the persons or groups of persons to whom the**
13 **delegation may be made.**

14 **3. Nothing in this section or chapter shall be construed to prohibit the board of**
15 **police commissioners from delegating any task related to disciplinary matters, disciplinary**

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.

16 hearings, or any other hearing or proceeding which could otherwise be heard by the board
17 or concerning any determination related to whether an officer is able to perform the
18 necessary functions of the position. Tasks related to the preceding matter may be
19 delegated by the board to others, including a hearing officer, under the provisions of
20 subsection 4 of this section.

21 **4. (1) The hearing officer or others to whom a delegation has been made by the**
22 **board may, at the sole discretion of the board, perform certain functions, including but not**
23 **limited to the following:**

24 **(a) Preside over a disciplinary matter from its inception through to the final**
25 **hearing;**

26 **(b) Prepare a report to the board of police commissioners or the chief of police; and**

27 **(c) Make recommendations to the board of police commissioners or the chief of**
28 **police as to the allegations and the appropriateness of the recommended discipline.**

29 **(2) The board shall promulgate rules, which may be changed from time to time as**
30 **determined by the board, and shall make such rules known to the hearing officer or others.**

31 **(3) The board shall at all times retain the authority to render the final decision after**
32 **a review of the relevant documents, evidence, transcripts, videotaped testimony, or report**
33 **prepared by the hearing officer or others to whom the board has made such allegations.**

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled
2 from the next lowest grade; provided, however, that probationary patrolmen shall serve at least
3 six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least
4 three years as such before being promoted to the rank of sergeant; sergeants shall serve at least
5 one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least
6 one year as such before being promoted to the rank of captain; and in no case shall the chief or
7 assistant chief be selected from men not members of the force or below the grade of captain.
8 Patrolmen shall serve at least three years as such before promotion to the rank of detective; the
9 inspector shall be taken from men in the rank not below the grade of lieutenant.

10 2. The boards of police are hereby authorized to make all such rules and regulations, not
11 inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge
12 necessary, for the appointment, employment, uniforming, discipline, trial and government of the
13 police. The said boards shall also have power to require of any officer or policeman bond with
14 sureties when they may consider it demanded by the public interests. All lawful rules and
15 regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter
16 punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards
17 may adjudge.

18 **3. The authority possessed by the board of police includes, but is not limited to, the**
19 **authority to delegate portions of its powers authorized in section 84.120, including**
20 **presiding over a disciplinary hearing, to a hearing officer or other person or persons as**
21 **determined by the board.**

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