

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 923
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Urban Issues April 12, 2007 with recommendation that House Committee Substitute for House Bill No. 923 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1818L.03C

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Section A. Sections 84.120 and 84.170, RSMo, are repealed and two new sections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) **It is within the board's sole discretion whether to delegate portions of its**
11 **jurisdiction to hearing officers. The board shall retain final and ultimate authority over**
12 **such matters and over the person to whom the delegation may be made. In any hearing**
13 **before the board under this section, the member involved may make application to the**

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 board to waive a hearing before the board and request that the hearing be held before a
15 hearing officer.

16 (3) Nothing in this section or this chapter shall be construed to prohibit the board
17 of police commissioners from delegating any task related to disciplinary matters,
18 disciplinary hearings, or any other hearing or proceeding which could otherwise be heard
19 by the board or concerning any determination related to whether an officer is able to
20 perform the necessary functions of the position. Tasks related to the preceding matters
21 may be delegated by the board of police commissioners to a hearing officer under the
22 dictates and limitations expressed in subdivisions (4) and (5) of this subsection.

23 (4) (a) The hearing officer to whom a delegation is made by the board of police
24 commissioners may, at the sole discretion of the board, perform certain functions,
25 including but not limited to presiding over a disciplinary matter from its inception through
26 to the final hearing, preparing a report to the board, and making recommendations to the
27 board as to the allegations and the appropriateness of the recommended discipline.

28 (b) The board shall prepare and make known to the hearing officer applicable rules
29 and regulations, which may be changed from time to time as determined by the board.

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

33 (5) The process by which a hearing officer is selected shall be as follows:

34 (a) The board shall establish a panel of not less than five persons, all of whom are
35 to be licensed attorneys in good standing with the Missouri Bar. The composition of such
36 panel may change from time to time at the board's discretion.

37 (b) From the panel, the relevant member or officer and a police department
38 representative shall alternatively and independently strike names from the list with the last
39 remaining name being the designated hearing officer. The board shall establish a process
40 to be utilized for each hearing which will determine which party makes the first strike.
41 Such process may change from time to time.

42 (c) Once a hearing officer is chosen and presides over a matter, such hearing officer
43 shall become ineligible until all hearing officers listed have been utilized, at which point the
44 list shall renew, subject to such officer's availability.

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. (1) The boards of police are hereby authorized to make all such rules and regulations,
11 not 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 (2) **The authority possessed by the board of police commissioners includes, but is**
19 **not limited to, the authority to delegate portions of its powers and referenced in section**
20 **84.120, including presiding over a disciplinary hearing, to a hearing officer as determined**
21 **by the board.**

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