

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 654
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Urban Issues May 3, 2007 with recommendation that House Committee Substitute for Senate Substitute for Senate Bill No. 654 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

2563L.06C

AN ACT

To repeal sections 84.040, 84.120, 84.170, 84.330, and 590.040, RSMo, and to enact in lieu thereof five new sections relating to the St. Louis board of police commissioners, with penalty provisions.

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

Section A. Sections 84.040, 84.120, 84.170, 84.330, and 590.040, RSMo, are repealed
2 and five new sections enacted in lieu thereof, to be known as sections 84.040, 84.120, 84.170,
3 84.330, and 590.040, to read as follows:

84.040. The said commissioners shall be citizens of the state of Missouri, and shall have
2 been residents of the cities for a period of [four] **two** years next preceding their appointment;
3 they shall, except as specified in sections 84.030 and 84.080, hold their offices for four years,
4 and until their respective successors shall have been appointed and qualified, and receive each
5 a salary of one thousand dollars per annum, payable monthly; before entering upon the duties of
6 their said offices, the said commissioners and the said mayor shall take and subscribe before a
7 circuit or associate circuit judge of the circuit court of judicial circuit in which said cities shall
8 be located, or the clerk thereof, the oath or affirmation prescribed by the Constitution of the state
9 of Missouri, and shall also take and subscribe before the same judge or clerk the further oath or
10 affidavit that in any and every appointment or removal to be made by them to or from the police
11 force created and to be organized by them under sections 84.010 to 84.340, they will in no case

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.

12 and under no pretext appoint or remove any policeman or officer of police, or other person under
13 them, on account of the political opinions of such police officer or other person, or for any other
14 cause or reason than the fitness or unfitness of such a person, in the best judgment of such
15 commissioners, for the place for which he **or she** shall be appointed, or from the place from
16 which he **or she** shall be removed. The said oaths or affirmations shall be recorded and
17 preserved among the records of the said circuit court.

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

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

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

26 **(a) Presiding over a disciplinary matter from its inception through to the final**
27 **hearing;**

28 **(b) Preparing a report to the board of police commissioners; and**

29 **(c) Making recommendations to the board of police commissioners as to the**
30 **allegations and the appropriateness of the recommended discipline.**

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

33 **(3) The board shall at all times retain the authority to render the final decision after**
34 **a review of the relevant documents, evidence, transcripts, videotaped testimony, or report**
35 **prepared by the hearing officer.**

36 **5. Hearing officers shall be selected in the following manner:**

37 **(1) The board shall establish a panel of not less than five persons, all who are to be**
38 **licensed attorneys in good standing with the Missouri Bar. The composition of the panel**
39 **may change from time to time at the board's discretion;**

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

45 **(3) After the hearing officer is chosen and presides over a matter, such hearing**
46 **officer shall become ineligible until all hearing officers listed have been utilized, at which**
47 **time the list shall renew, subject to officers' 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. 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 as determined by the board.**

84.330. 1. The members of the police force of the cities covered by sections 84.010 to
2 84.340, organized and appointed by the police commissioners of said cities, are hereby declared
3 to be officers of the said cities, under the charter and ordinances thereof, and also to be officers
4 of the state of Missouri, and shall be so deemed and taken in all courts having jurisdiction of
5 offenses against the laws of this state or the ordinances of said cities.

6 **2. No provision of this chapter shall be construed to make such officers agents of**
7 **the cities covered under this chapter. Such officers are and shall remain employees**
8 **exclusively of their respective boards of police commissioners.**

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

4 (1) Up to one thousand hours may be mandated for any class of license required for
5 commission by a state law enforcement agency;

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

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

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

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

24 (6) The POST commission shall provide for the recognition of basic training received
25 at law enforcement training centers of other states, the military, the federal government and

26 territories of the United States regardless of the number of hours included in such training and
27 shall have authority to require supplemental training as a condition of eligibility for licensure.

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

31 3. The basic training of every peace officer, except agents of the conservation
32 commission, shall include at least thirty hours of training in the investigation and management
33 of cases involving domestic and family violence. Such training shall include instruction, specific
34 to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse,
35 child fatalities and child neglect; interviewing children and alleged perpetrators; the nature,
36 extent and causes of domestic and family violence; the safety of victims, other family and
37 household members and investigating officers; legal rights and remedies available to victims,
38 including rights to compensation and the enforcement of civil and criminal remedies; services
39 available to victims and their children; the effects of cultural, racial and gender bias in law
40 enforcement; and state statutes. Said curriculum shall be developed and presented in
41 consultation with the department of health and senior services, the division of family services,
42 public and private providers of programs for victims of domestic and family violence, persons
43 who have demonstrated expertise in training and education concerning domestic and family
44 violence, and the Missouri coalition against domestic violence.

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