

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 723
94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 723 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3347L.02C

AN ACT

To repeal sections 43.060, 43.500, and 590.030, RSMo, and to enact in lieu thereof four new sections relating to educational requirements for certain law enforcement personnel.

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

Section A. Sections 43.060, 43.500, and 590.030, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 43.060, 43.500, 590.030, and 1, to read
3 as follows:

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

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.

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.

43.500. As used in sections 43.500 to 43.543, the following terms mean:

2 (1) "Administration of criminal justice", performance of any of the following activities:
3 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,
4 correctional supervision, or rehabilitation of accused persons or criminal offenders. The
5 administration of criminal justice shall include criminal identification activities and the
6 collection, storage, and dissemination of criminal history information, including fingerprint
7 searches, photographs, and other indicia of identification;

8 (2) "Central repository", the Missouri state highway patrol [criminal records and
9 identification division] **responsible** for compiling and disseminating complete and accurate
10 criminal history records and for compiling, maintaining, and disseminating criminal incident and
11 arrest reports and statistics;

12 (3) "Committee", criminal records and justice information advisory committee;

13 (4) "Criminal history record information", information collected by criminal justice
14 agencies on individuals consisting of identifiable descriptions and notations of arrests,

15 detentions, indictments, informations, or other formal criminal charges, and any disposition
16 arising therefrom, sentencing, correctional supervision, and release;

17 (5) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage
18 it occurs in the criminal justice system;

19 (6) "Missouri charge code", a unique number assigned by the office of state courts
20 administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the
21 complete charge code shall consist of digits assigned by the office of state courts administrator,
22 the two-digit national crime information center modifiers and a single digit designating attempt,
23 accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that
24 are not using the statewide court automation case management pursuant to section 476.055,
25 RSMo; the effective date will be as soon thereafter as economically feasible for all other courts;

26 (7) "State offense cycle number", a unique number, supplied by or approved by the
27 Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number,
28 OCN, is used to link the identity of a person, through fingerprints, to one or many offenses for
29 which the person is arrested or charged. The OCN will be used to track an offense incident from
30 the date of arrest to the final disposition when the offender exits from the criminal justice system.

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.

**Section 1. The revisor of statutes shall change all references in the revised statutes
2 of this state from "criminal records and identification division" or "criminal records
3 division" to "central repository".**

✓