

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 47
95TH GENERAL ASSEMBLY

0192L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.060, 57.010, 306.227, and 590.030, RSMo, and to enact in lieu thereof four 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Section A. Sections 43.060, 57.010, 306.227, and 590.030, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 43.060, 57.010, 306.227, and
3 590.030, to read 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
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,

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.

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.

57.010. 1. At the general election to be held in 1948, and at each general election held
2 every four years thereafter, the voters in every county in this state shall elect some suitable
3 person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a
4 felony. Such person shall be a resident taxpayer and elector of said county, shall have resided
5 in said county for more than one whole year next before filing for said office and shall be a
6 person capable of efficient law enforcement. When any person shall be elected sheriff, such
7 person shall enter upon the discharge of the duties of such person's office as chief law
8 enforcement officer of that county on the first day of January next succeeding said election.

9 2. Beginning January 1, 2003, any sheriff who does not hold a valid peace officer license
10 pursuant to chapter 590, RSMo, shall refrain from personally executing any of the police powers
11 of the office of sheriff, including but not limited to participation in the activities of arrest,
12 detention, vehicular pursuit, search and interrogation. Nothing in this section shall prevent any
13 sheriff from administering the execution of police powers through duly commissioned deputy
14 sheriffs. This subsection shall not apply[:

15 (1) During the first twelve months of the first term of office of any sheriff who is eligible
16 to become licensed as a peace officer and who intends to become so licensed within twelve
17 months after taking office; or

18 (2)] To the sheriff of any county of the first classification with a charter form of
19 government with a population over nine hundred thousand.

306.227. Patrolmen and radio personnel of the water patrol shall not be less than
2 twenty-one years of age. No person shall be appointed as commissioner or as a member of the
3 patrol or as a member of the radio personnel who:

4 (1) Has been convicted of a felony or any crime involving moral turpitude, or against
5 whom any indictment or information may then be pending charging the person with having
6 committed a crime;

7 (2) Is not of good character;

8 (3) Is not a citizen of the United States;

9 (4) At the time of appointment is not a citizen of the state of Missouri;

10 (5) [Is not a graduate of an accredited four-year high school or in lieu thereof] **Has not**
11 **completed a high school program of education under chapter 167, RSMo, or** has not
12 obtained a **General Educational Development (GED)** certificate [of equivalency from the state
13 department of elementary and secondary education or other source recognized by such
14 department] , **and who has not obtained advanced education and experience as approved**
15 **by the commissioner;** or

16 (6) Does not possess ordinary physical strength, and who is not able to pass the physical
17 and mental examination that the commissioner prescribes.

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.

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