

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 224, Page 1, In the Title, Line 3, by
2 deleting the phrase "the Kansas City police department" and inserting in lieu thereof the phrase
3 "police departments"; and
4

5 Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line, the
6 following:
7

8 "77.046. 1. Upon the adoption of a city administrator form of government, the governing
9 body of the city may provide that all other officers and employees of the city, except elected officers,
10 shall be appointed and discharged by the city administrator, but the governing body may make
11 reasonable rules and regulations governing the same.

12 2. Nothing in this section shall be construed to authorize the city to remove or discharge any
13 chief, as that term is defined in section 106.273.

14 78.340. 1. Before entering upon the duties of their office each of said commissioners shall
15 take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the
16 Constitution of the state of Missouri and to obey the laws and aim to secure and maintain an honest
17 and efficient force free from partisan distinction or control, and to perform the duties of his office to
18 the best of his ability.

19 2. Nothing in this section shall be construed to authorize the commissioners to remove or
20 discharge any chief, as that term is defined in section 106.273.

21 79.240. 1. The mayor may, with the consent of a majority of all the members elected to the
22 board of aldermen, remove from office, for cause shown, any elective officer of the city, such officer
23 being first given opportunity, together with his witnesses, to be heard before the board of aldermen
24 sitting as a board of impeachment. Any elective officer, including the mayor, may in like manner,
25 for cause shown, be removed from office by a two-thirds vote of all members elected to the board of
26 aldermen, independently of the mayor's approval or recommendation. The mayor may, with the
27 consent of a majority of all the members elected to the board of aldermen, remove from office any
28 appointive officer of the city at will, and any such appointive officer may be so removed by a
29 two-thirds vote of all the members elected to the board of aldermen, independently of the mayor's
30 approval or recommendation. The board of aldermen may pass ordinances regulating the manner of
31 impeachments and removals.

32 2. Nothing in this section shall be construed to authorize the mayor, with the consent of the

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majority of all the members elected to the board of aldermen, or the board of aldermen by a two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in section 106.273.

80.420. 1. The policemen of the town, in the discharge of their duties, shall be subject to the orders of the marshal only as chief of police; but any marshal, assistant marshal or policeman may be instantly removed from his office by the board of trustees at a regular or called meeting, for any wanton neglect of duty.

2. Nothing in this section shall be construed to authorize the board of trustees to remove or discharge any chief, as that term is defined in section 106.273.

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

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

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

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

- (a) Presiding over a disciplinary matter from its inception through to the final hearing;
- (b) Preparing a report to the board of police commissioners; and
- (c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

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

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

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

- (1) The board shall establish a panel of not less than five persons, all who are to be licensed

attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

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

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.

6. Nothing in this section shall be construed to authorize the board of police commissioners to remove or discharge any chief, as that term is defined in section 106.273."; and

Further amend said bill, Page 4, Section 84.510, Line 66, by inserting after all of said section and line, the following:

"85.551. 1. In cities of the third class which shall not have adopted the merit system police department provided for in sections 85.541 to 85.571, the marshal shall be the chief of police, and there also may be one assistant marshal, who shall serve for a term of one year and who shall be deputy chief of police; such number of regular policemen as may be deemed necessary by the council for the good government of the city, who shall serve for terms of one year; and such number of special policemen as may be prescribed by ordinance, to serve for such time as may be prescribed by ordinance.

2. The manner of appointing the assistant marshal and all policemen of the city shall be prescribed by ordinance. The council shall also, by ordinance, provide for the removal of any marshal, assistant marshal or policeman guilty of misbehavior in office.

3. Nothing in this section shall be construed to authorize the council to remove or discharge any chief, as that term is defined in section 106.273.

106.270. 1. If any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, shall be found guilty of failing personally to devote his time to the performance of the duties of such office, or of any willful, corrupt or fraudulent violation or neglect of official duty, or of knowingly or willfully failing or refusing to do or perform any official act or duty which by law it is made his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, the court shall render judgment removing him from such office, and he shall not be elected or appointed to fill the vacancy thereby created, but the same shall be filled as provided by law for filling vacancies in other cases. All actions and proceedings under sections 106.220 to 106.290 shall be in the nature of civil actions, and tried as such.

2. Nothing in this section shall be construed to authorize the removal or discharge of any chief, as that term is defined in section 106.273.

106.273. 1. For the purposes of this section, the following terms shall mean:

(1) "Chief", any non-elected chief law enforcement officer of any political subdivision;

1 (2) "Just cause", exists when a chief:

2 (a) Is unable to perform his or her duties with reasonable competence or reasonably safety as
3 a result of a mental condition, including alcohol or substance abuse;

4 (b) Has committed any act, while engaged in the performance of his or her duties, that
5 constitutes a reckless disregard for the safety of the public or another law enforcement officer;

6 (c) Has caused a material fact to be misrepresented for any improper or unlawful purpose;

7 (d) Acts in a manner for the sole purpose of furthering his or her self-interest, or in a manner
8 inconsistent with the interests of the public of the chief's governing body;

9 (e) Has been found to have violated any law, statute, or ordinance which constitutes a felony;
10 or

11 (f) Has been deemed insubordinate or found to be in violation of a written established policy,
12 unless such claimed insubordination or violation of a written established policy was a violation of
13 any federal or state law or local ordinance.

14 2. A chief shall be subject to removal from office or employment by the appointing authority
15 or the governing body of the political subdivision employing the chief if:

16 (1) The governing body of the political subdivision employing the chief issues a written
17 notice to the chief whose removal is being sought no fewer than ten business days prior to the
18 meeting at which his or her removal will be considered;

19 (2) The chief has been given written notice as to the governing body's intent to remove him
20 or her. Such notice shall include:

21 (a) Charges specifying just cause for which removal is sought;

22 (b) A statement of facts that are alleged to constitute just cause for the chief's removal; and

23 (c) The date, time, and location of the meeting at which the chief's removal will be
24 considered.

25 (3) The chief is given an opportunity to be heard before the board, together with any
26 witnesses, evidence and counsel of his or her choosing; and

27 (4) The board, by two-thirds majority vote, finds just cause for removing the chief.

28 3. Upon the satisfaction of the removal procedure under subsection 2 of this section, the
29 chief shall be immediately removed from his or her office, shall be relieved of all duties and
30 responsibilities of said office, and shall be entitled to no further compensation or benefits not already
31 earned, accrued, or agreed upon.

32 4. Any chief removed pursuant to subsection 3 of this section shall be issued a written notice
33 of the grounds of his or her removal within fourteen calendar days of the removal."; and

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35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.
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