

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 427**  
**100TH GENERAL ASSEMBLY**

0589H.03P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 84.344, 302.341, 479.020, 479.350, 479.353, and 479.360, RSMo, and to enact in lieu thereof six new sections relating to law enforcement.

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

Section A. Sections 84.344, 302.341, 479.020, 479.350, 479.353, and 479.360, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 84.344, 302.341, 479.020, 479.350, 479.353, and 479.360, to read as follows:

- 84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.
2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.
3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

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.

16           4. Before a city not within a county may establish a municipal police force under this  
17 section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as  
18 successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of  
19 the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

20           5. A city not within a county that establishes a municipal police force shall initially  
21 employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel  
22 of the board of police commissioners created under sections 84.010 to 84.340 that were  
23 employed by the board immediately prior to the date the municipal police force was established.  
24 Such commissioned personnel who previously were employed by the board may only be  
25 involuntarily terminated by the city not within a county for cause. The city shall also recognize  
26 all accrued years of service that such commissioned and civilian personnel had with the board  
27 of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and  
28 sick leave they were entitled to as employees of the board of police commissioners.

29           6. Commissioned and civilian personnel ~~[who were previously]~~ employed by ~~[the board]~~  
30 **a city not within a county** shall ~~[continue to]~~ be subject, throughout their employment for the  
31 city not within a county, to a residency rule no more restrictive than a requirement of retaining  
32 a primary residence in a city not within a county for a total of ~~[seven]~~ **five** years and of then  
33 allowing them to maintain a primary residence outside the city not within a county so long as the  
34 residence is located within a one-hour response time.

35           7. The commissioned and civilian personnel who retire from service with the board of  
36 police commissioners before the establishment of a municipal police force under subsection 1  
37 of this section shall continue to be entitled to the same pension benefits provided under chapter  
38 86 and the same benefits set forth in subsection 5 of this section.

39           8. If the city not within a county elects to establish a municipal police force under this  
40 section, the city shall establish a separate division for the operation of its municipal police force.  
41 The civil service commission of the city may adopt rules and regulations appropriate for the  
42 unique operation of a police department. Such rules and regulations shall reserve exclusive  
43 authority over the disciplinary process and procedures affecting commissioned officers to the  
44 civil service commission; however, until such time as the city adopts such rules and regulations,  
45 the commissioned personnel shall continue to be governed by the board of police commissioner's  
46 rules and regulations in effect immediately prior to the establishment of the municipal police  
47 force, with the police chief acting in place of the board of police commissioners for purposes of  
48 applying the rules and regulations. Unless otherwise provided for, existing civil service  
49 commission rules and regulations governing the appeal of disciplinary decisions to the civil  
50 service commission shall apply to all commissioned and civilian personnel. The civil service  
51 commission's rules and regulations shall provide that records prepared for disciplinary purposes

52 shall be confidential, closed records available solely to the civil service commission and those  
53 who possess authority to conduct investigations regarding disciplinary matters pursuant to the  
54 civil service commission's rules and regulations. A hearing officer shall be appointed by the civil  
55 service commission to hear any such appeals that involve discipline resulting in a suspension of  
56 greater than fifteen days, demotion, or termination, but the civil service commission shall make  
57 the final findings of fact, conclusions of law, and decision which shall be subject to any right of  
58 appeal under chapter 536.

59 9. A city not within a county that establishes and maintains a municipal police force  
60 under this section:

61 (1) Shall provide or contract for life insurance coverage and for insurance benefits  
62 providing health, medical, and disability coverage for commissioned and civilian personnel of  
63 the municipal police force to the same extent as was provided by the board of police  
64 commissioners under section 84.160;

65 (2) Shall provide or contract for medical and life insurance coverage for any  
66 commissioned or civilian personnel who retired from service with the board of police  
67 commissioners or who were employed by the board of police commissioners and retire from the  
68 municipal police force of a city not within a county to the same extent such medical and life  
69 insurance coverage was provided by the board of police commissioners under section 84.160;

70 (3) Shall make available medical and life insurance coverage for purchase to the spouses  
71 or dependents of commissioned and civilian personnel who retire from service with the board  
72 of police commissioners or the municipal police force and deceased commissioned and civilian  
73 personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such  
74 dependent's or spouse's coverage would cost under the appropriate plan if the deceased were  
75 living; and

76 (4) May pay an additional shift differential compensation to commissioned and civilian  
77 personnel for evening and night tours of duty in an amount not to exceed ten percent of the  
78 officer's base hourly rate.

79 10. A city not within a county that establishes a municipal police force under sections  
80 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:  
81 coordinating and implementing the transition of authority, operations, assets, and obligations  
82 from the board of police commissioners to the city; winding down the affairs of the board;  
83 making nonbinding recommendations for the transition of the police force from the board to the  
84 city; and other related duties, if any, established by executive order of the city's mayor. Once the  
85 ordinance referenced in this section is enacted, the city shall provide written notice to the board  
86 of police commissioners and the governor of the state of Missouri. Within thirty days of such  
87 notice, the mayor shall appoint three members to the committee, two of whom shall be members

88 of a statewide law enforcement association that represents at least five thousand law enforcement  
89 officers. The remaining members of the committee shall include the police chief of the  
90 municipal police force and a person who currently or previously served as a commissioner on  
91 the board of police commissioners, who shall be appointed to the committee by the mayor of  
92 such city.

302.341. [4-] If a Missouri resident charged with a moving traffic violation of this state  
2 or any county or municipality of this state fails to dispose of the charges of which the resident  
3 is accused through authorized prepayment of fine and court costs and fails to appear on the return  
4 date or at any subsequent date to which the case has been continued, or without good cause fails  
5 to pay any fine or court costs assessed against the resident for any such violation within the  
6 period of time specified or in such installments as approved by the court or as otherwise provided  
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to  
8 comply inform the defendant by ordinary mail at the last address shown on the court records that  
9 the court ~~[will]~~ **may** order the director of revenue to suspend the defendant's driving privileges  
10 if the charges are not disposed of and fully paid within thirty days from the date of mailing.  
11 Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any  
12 applicable fines and court costs, the court ~~[shall]~~ **may** notify the director of revenue of such  
13 failure and of the pending charges against the defendant. Upon receipt of this notification, the  
14 director shall suspend the license of the driver, effective immediately, and provide notice of the  
15 suspension to the driver at the last address for the driver shown on the records of the department  
16 of revenue. Such suspension shall remain in effect until the court with the subject pending  
17 charge requests setting aside the noncompliance suspension pending final disposition, or  
18 satisfactory evidence of disposition of pending charges and payment of fine and court costs, if  
19 applicable, is furnished to the director by the individual. The filing of financial responsibility  
20 with the ~~[bureau of safety responsibility,]~~ department of revenue~~[,]~~ shall not be required as a  
21 condition of reinstatement of a driver's license suspended solely under the provisions of this  
22 section.

23 ~~[2. The provisions of subsection 1 of this section shall not apply to minor traffic~~  
24 ~~violations as defined in section 479.350.]~~

479.020. 1. Any city, town or village, including those operating under a constitutional  
2 or special charter, may, and cities with a population of four hundred thousand or more shall,  
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge  
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to  
5 hear and determine all violations against the ordinances of the municipality. The method of  
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge  
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8           2. Except where prohibited by charter or ordinance, the municipal judge may be a  
9 part-time judge and may serve as municipal judge in more than one municipality.

10           3. No person shall serve as a municipal judge of any municipality with a population of  
11 seven thousand five hundred or more or of any municipality in a county of the first class with a  
12 charter form of government unless the person is licensed to practice law in this state unless, prior  
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at  
14 least two years.

15           4. Notwithstanding any other statute, a municipal judge need not be a resident of the  
16 municipality or of the circuit in which the municipal judge serves except where ordinance or  
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18           5. Judges selected under the provisions of this section shall be municipal judges of the  
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,  
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall  
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme  
22 court. The presiding judge of the circuit shall have general administrative authority over the  
23 judges and court personnel of the municipal divisions within the circuit.

24           6. No municipal judge shall hold any other office in the municipality which the  
25 municipal judge serves as judge. The compensation of any municipal judge and other court  
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty  
27 verdicts reached or the amount of fines imposed or collected.

28           7. Municipal judges shall be at least twenty-one years of age. No person shall serve as  
29 municipal judge after that person has reached that person's seventy-fifth birthday.

30           8. Within six months after selection for the position, each municipal judge who is not  
31 licensed to practice law in this state shall satisfactorily complete the course of instruction for  
32 municipal judges prescribed by the supreme court. The state courts administrator shall certify  
33 to the supreme court the names of those judges who satisfactorily complete the prescribed  
34 course. If a municipal judge fails to complete satisfactorily the prescribed course within six  
35 months after the municipal judge's selection as municipal judge, the municipal judge's office  
36 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal  
37 judge, nor shall any compensation thereafter be paid to such person for serving as municipal  
38 judge.

39           9. No municipal judge shall serve as a municipal judge in more than five municipalities  
40 at one time. **A court that serves more than one municipality shall be treated as a single**  
41 **municipality for the purposes of this subsection.**

479.350. For purposes of sections 479.350 to 479.372, the following terms mean:

2 (1) "Annual general operating revenue", revenue that can be used to pay any bill or  
3 obligation of a county, city, town, or village, including general sales tax; general use tax; general  
4 property tax; fees from licenses and permits; unrestricted user fees; fines, court costs, bond  
5 forfeitures, and penalties. Annual general operating revenue does not include designated sales  
6 or use taxes; restricted user fees; grant funds; funds expended by a political subdivision for  
7 technological assistance in collecting, storing, and disseminating criminal history record  
8 information and facilitating criminal identification activities for the purpose of sharing criminal  
9 justice-related information among political subdivisions; or other revenue designated for a  
10 specific purpose;

11 (2) "Court costs", costs, fees, or surcharges which are retained by a county, city, town,  
12 or village upon a finding of guilty or plea of guilty, and shall exclude any costs, fees, or  
13 surcharges disbursed to the state or other entities by a county, city, town, or village and any  
14 certified costs, not including fines added to the annual real estate tax bill or a special tax bill  
15 under section 67.398, 67.402, or 67.451;

16 (3) "Minor traffic violation", a municipal or county traffic ordinance violation prosecuted  
17 **from an original charge** that does not involve an accident or injury, that does not involve the  
18 operation of a commercial motor vehicle, and for which ~~no points are assessed by the~~  
19 ~~department of revenue or~~ the department of revenue is authorized to assess ~~[one to]~~ **no more**  
20 **than** four points to a person's driving record upon conviction. ~~[Minor traffic violation]~~ **"Minor**  
21 **traffic violation"** shall include amended charges for any **offense originally charged as a** minor  
22 traffic violation. ~~[Minor traffic violation]~~ **"Minor traffic violation"** shall exclude a violation  
23 for exceeding the speed limit by more than nineteen miles per hour or a violation occurring  
24 within a construction zone or school zone;

25 (4) "Municipal ordinance violation", a municipal or county ordinance violation  
26 prosecuted for which penalties are authorized by statute under sections 64.160, 64.200, 64.295,  
27 64.487, 64.690, 64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance violation shall  
28 include amended charges for municipal ordinance violations.

479.353. 1. Notwithstanding any provisions to the contrary, the following conditions  
2 shall apply to minor traffic violations and municipal ordinance violations:

3 (1) The court shall not assess a fine, if combined with the amount of court costs, totaling  
4 in excess of:

5 (a) Two hundred twenty-five dollars for minor traffic violations; and

6 (b) For municipal ordinance violations committed within a twelve-month period  
7 beginning with the first violation: two hundred dollars for the first municipal ordinance  
8 violation, two hundred seventy-five dollars for the second municipal ordinance violation, three

9 hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars  
10 for the fourth and any subsequent municipal ordinance violations;

11 (2) The court shall not sentence a person to confinement, except the court may sentence  
12 a person to confinement for any violation involving alcohol or controlled substances, violations  
13 endangering the health or welfare of others, or eluding or giving false information to a law  
14 enforcement officer;

15 (3) A person shall not be placed in confinement for failure to pay a fine unless such  
16 nonpayment violates terms of probation or unless the due process procedures mandated by  
17 Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

18 (4) Court costs that apply shall be assessed against the defendant unless the court finds  
19 that the defendant is indigent based on standards set forth in determining such by the presiding  
20 judge of the circuit. Such standards shall reflect model rules and requirements to be developed  
21 by the supreme court; ~~and~~

22 (5) No court costs shall be assessed if the defendant is found to be indigent under  
23 subdivision (4) of this section or if the case is dismissed; **and**

24 **(6) In the event a person charged with a minor traffic violation or municipal**  
25 **ordinance violation fails to appear in court after having been summoned to appear, the**  
26 **limitations as to fines and punishment set forth in this section shall not apply unless the**  
27 **court finds good cause for the person's failure to appear.**

28 **2. The court may issue a capias if a person fails to appear at a scheduled court**  
29 **appearance but only if personal notification has been given in open court or by personal**  
30 **summons.**

479.360. 1. Every county, city, town, and village shall file with the state auditor,  
2 together with its report due under section 105.145, its certification of its substantial compliance  
3 signed by its municipal judge with the municipal court procedures set forth in this subsection  
4 during the preceding fiscal year. The procedures to be adopted and certified include the  
5 following:

6 (1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal  
7 court have an opportunity to be heard by a judge in person, by telephone, or video conferencing  
8 as soon as practicable and not later than forty-eight hours on minor traffic violations and not later  
9 than seventy-two hours on other violations and, if not given that opportunity, are released;

10 (2) Defendants in municipal custody shall not be held more than twenty-four hours  
11 without a warrant after arrest;

12 (3) Defendants are not detained in order to coerce payment of fines and costs unless  
13 found to be in contempt after strict compliance by the court with the due process procedures  
14 mandated by Missouri supreme court rule 37.65 or its successor rule;

15 (4) The municipal court has established procedures to allow indigent defendants to  
16 present evidence of their financial condition and takes such evidence into account if determining  
17 fines and costs and establishing related payment requirements;

18 (5) The municipal court only assesses fines and costs as authorized by law;

19 (6) No additional charge shall be issued for the failure to appear for a minor traffic  
20 violation;

21 (7) The municipal court conducts proceedings in a courtroom that is open to the public  
22 and large enough to reasonably accommodate the public, parties, and attorneys;

23 (8) The municipal court makes use of alternative payment plans;

24 (9) The municipal court makes use of community service alternatives for which ~~[no~~  
25 ~~associated costs are charged to the defendant]~~ **up to twenty-five dollars may be charged by an**  
26 **entity for conducting a background check;** and

27 (10) The municipal court has adopted an electronic payment system or payment by mail  
28 for the payment of minor traffic violations.

29 2. On or before December 31, 2015, the state auditor shall set forth by rule a procedure  
30 for including the addendum information required by this section. The rule shall also allow  
31 reasonable opportunity for demonstration of compliance.

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