

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 46

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

5857H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof one new section relating to residency requirements for personnel of certain municipal police forces, with an emergency clause.

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

Section A. Section 84.344, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 84.344 to read as follows: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.

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

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

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

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

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

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

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

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

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

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

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

77 10. A city not within a county that establishes a municipal police force under sections
78 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:
79 coordinating and implementing the transition of authority, operations, assets, and obligations from
80 the board of police commissioners to the city; winding down the affairs of the board; making
81 nonbinding recommendations for the transition of the police force from the board to the city; and
82 other related duties, if any, established by executive order of the city's mayor. Once the ordinance
83 referenced in this section is enacted, the city shall provide written notice to the board of police
84 commissioners and the governor of the state of Missouri. Within thirty days of such notice, the
85 mayor shall appoint three members to the committee, two of whom shall be members of a
86 statewide law enforcement association that represents at least five thousand law enforcement

87 officers. The remaining members of the committee shall include the police chief of the municipal
88 police force and a person who currently or previously served as a commissioner on the board of
89 police commissioners, who shall be appointed to the committee by the mayor of such city.

Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and residents
3 from the recent unprecedented wave of violent crime across our nation and state, the repeal and
4 reenactment of section 84.344 of this act is deemed necessary for the immediate preservation of
5 the public health, welfare, peace, and safety and is hereby declared to be an emergency act within
6 the meaning of the constitution, and the repeal and reenactment of section 84.344 of this act shall
7 be in full force and effect upon its passage and approval.

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