

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Bill No. 678, Page 1, Section A, Line 3, by inserting after
2 said section and line the following:

3
4 "84.005. Sections 84.005 to 84.340 shall be known as the "Police Defunding Control Act of
5 2022".

6 84.012. In all cities of this state not within a county, the common council or municipal
7 assembly, as the case may be, of such cities may pass ordinances for preserving order, securing
8 property and persons from violence, danger or destruction, protecting public and private property,
9 and for promoting the interests and ensuring the good government of the cities; but no ordinances
10 heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of
11 the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of
12 the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or
13 any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede,
14 obstruct, hinder, or interfere with the boards of police or any officer, or agent or servant thereof or
15 thereunder.

16 84.020. In all cities of this state that now have, or may hereafter attain, a population of five
17 hundred thousand inhabitants or over, there shall be, and is hereby established, within and for said
18 cities, a board of police, to consist of four commissioners, as provided in sections 84.040 to 84.080,
19 together with the [mayor] president of the board of aldermen of said cities for the time being, or
20 whosoever may be officially acting in that capacity, and said board shall appoint one of its members
21 as president, and one member who shall act as vice president during the absence of the president;
22 and such president or vice president shall be the executive officer of the board and shall act for it
23 when the board is not in session.

24 84.030. Beginning on [January 9, 1989] August 28, 2022, and no later than September 28,
25 2022, the governor of the state of Missouri, by and with the advice and consent of the senate, shall
26 appoint the four commissioners provided for in section 84.020, and one commissioner shall be
27 appointed for a term of one year; one commissioner shall be appointed for a term of two years; one
28 commissioner shall be appointed for a term of three years; one commissioner shall be appointed for
29 a term of four years. Their successors shall each be appointed for a term of four years, and said
30 commissioners shall hold office for their term of appointment and until their successors shall have

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1 been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall
 2 be filled by appointment for the unexpired term, in the same manner as in the case of original
 3 appointments. The governor shall issue commissions to the persons so appointed, designating the
 4 time for which they are appointed in case the appointment is to fill an unexpired term occasioned by
 5 death, resignation or any other cause, and whenever the term of office of any commissioner expires,
 6 the appointment of his successor shall be for four years. ~~[The commissioners now holding offices~~
 7 ~~under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold~~
 8 ~~their offices until the expiration of their terms, and their successors are duly appointed and~~
 9 ~~qualified].~~

10 84.100. To enable the boards to perform the duties imposed upon them, they are hereby
 11 authorized and required to appoint, enroll and employ a permanent police force for the cities which
 12 they shall equip and arm as they may judge necessary. Except as provided below, the number of
 13 patrolmen to be appointed shall not be ~~[more]~~ less than one thousand ~~[six]~~ one hundred ~~[eighty-~~
 14 ~~three]~~ forty-two of which number not more than two hundred fifty are to be probationary patrolmen.
 15 Any increase in the number of patrolmen authorized, in addition to that provided for above, shall be
 16 permitted upon recommendation by the board of police commissioners, with the approval of the
 17 municipal board of estimate and apportionment. ~~[The number of turnkeys to be appointed shall be~~
 18 ~~sixty-five, except that for each patrolman hereafter promoted, demoted, removed, resigned or~~
 19 ~~otherwise separated from the force, an additional turnkey may be appointed, but under no~~
 20 ~~circumstances shall more than one hundred fifty turnkeys be appointed. As each additional turnkey~~
 21 ~~is appointed, the maximum number of patrolmen to be appointed shall be reduced accordingly so~~
 22 ~~that when one hundred fifty turnkeys have been appointed, the number of patrolmen to be appointed~~
 23 ~~shall not be more than one thousand five hundred ninety-eight]~~ The board may continue to employ
 24 as many non-commissioned police civilians as it deems necessary in order to perform the duties
 25 imposed upon them, which shall include city marshals and park rangers.

26 84.140. The boards shall grant every member of the police force who has served for one
 27 year or more a total of three weeks vacation each year with pay, and each member of the police
 28 force who has served the department for ~~[twelve]~~ five years or more shall receive ~~[four]~~ five weeks
 29 vacation each year with pay, and each member of the police force who has served the department for
 30 ~~[twenty-one]~~ ten years or more shall receive ~~[five]~~ six weeks vacation each year with pay, and each
 31 member of the police force who has served the department for ~~[thirty]~~ fifteen years or more ~~[and is~~
 32 ~~eligible to participate in the deferred retirement option plan]~~ shall receive ~~[six]~~ seven weeks
 33 vacation each year with pay; ~~however the board may grant an additional week of paid vacation to~~
 34 ~~members after one year of service],~~ and each member of the police force who has served the
 35 department for twenty years or more shall receive eight weeks vacation each year with pay. All
 36 members of the police force shall receive [fifteen] sixteen holidays with pay, however the board may
 37 grant additional holidays with pay, and one hundred four days off duty each year with pay, and the
 38 boards may from time to time grant additional days off duty each year with pay when in the
 39 judgment of the boards, the granting thereof will not materially impair the efficiency of the

1 department.

2 84.150. The maximum number of officers of the police force in each rank in each such city
 3 shall be as follows: one chief of police with the rank of colonel; one assistant chief of police with
 4 the rank of lieutenant colonel; four additional lieutenant colonels~~], not to exceed five in number and~~
 5 ~~other such ranks and number of members within such ranks as the board from time to time deems~~
 6 ~~necessary~~]; ten captains; fifty-seven lieutenants; and one hundred and eighty-eight sergeants. No
 7 further appointments to the rank of major shall hereafter be made, but all members of the force now
 8 holding the rank of major shall continue in such rank until their promotion, demotion, removal,
 9 resignation, or other separation from the force. The officers of the police force shall have
 10 commissions issued to them by the boards of police commissioners, and those heretofore and those
 11 hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess
 12 the necessary mental and physical ability, and be subject to removal only for cause after a hearing by
 13 the board, who are hereby invested with exclusive jurisdiction in the premises.

14 84.160. 1. As of August 28, ~~[2006]~~ 2022, the board of police commissioners shall have the
 15 authority to compute and establish the annual salary of each member of the police force without
 16 receiving prior authorization from the general assembly, which shall not be less than the annual
 17 salaries paid to each member at the time of the enactment of this section and which annual salary
 18 shall increase by no less than four thousand dollars as of July 1, 2023.

19 2. Each officer of police and patrolman whose regular assignment requires nonuniformed
 20 attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty
 21 dollars per annum payable biweekly. Notwithstanding the provisions of subsection 1 of this section
 22 to the contrary, no additional compensation or compensatory time off for overtime, court time, or
 23 standby court time shall be paid or allowed to any officer of the rank of ~~[sergeant]~~ lieutenant or
 24 above. Notwithstanding any other provision of law to the contrary, nothing in this section shall
 25 prohibit the payment of additional compensation pursuant to this subsection to officers of the ranks
 26 of sergeants and above, provided that funding for such compensation shall not:

27 (1) Be paid from the general funds of either the city or the board of police commissioners of
 28 the city; or

29 (2) Be violative of any federal law or other state law.

30 3. It is the duty of the municipal assembly or common council of the cities to make the
 31 necessary appropriation for the expenses of the maintenance of the police force in the manner herein
 32 and hereafter provided; provided, that in no event shall such municipal assembly or common council
 33 be required to appropriate for such purposes (including, but not limited to, costs of funding pensions
 34 or retirement plans) for any fiscal year a sum in excess of any limitation imposed by article X,
 35 section 21, Missouri Constitution; and provided further, that such municipal assembly or common
 36 council may appropriate a sum in excess of such limitation for any fiscal year by an appropriations
 37 ordinance enacted in conformity with the provisions of the charter of such cities.

38 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of
 39 police commissioners shall pay additional compensation for all hours of service rendered by

1 probationary patrolmen ~~[and]~~, patrolmen, and sergeants in excess of the established regular working
2 period, and the rate of compensation shall be one and one-half times the regular hourly rate of pay to
3 which each member shall normally be entitled; except that, the court time and court standby time
4 shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No
5 credit shall be given or deductions made from payments for overtime for the purpose of retirement
6 benefits.

7 5. Notwithstanding the provisions of subsection 1 of this section to the contrary,
8 probationary patrolmen ~~[and]~~, patrolmen, and sergeants shall receive additional compensation for
9 authorized overtime, court time and court standby time whenever the total accumulated time
10 exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the
11 officer's discretion with the approval of his supervisor.

12 6. The allowance of compensation or compensatory time off for court standby time shall be
13 computed at the rate of one-third of one hour for each hour spent on court standby time.

14 7. The board of police commissioners ~~[may]~~ shall effect programs to provide additional
15 compensation to its employees for successful completion of academic work at an accredited college
16 or university, in amounts not to exceed ten percent of their yearly salaries or for field training officer
17 and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for
18 field training officer responsibilities and an additional three percent of their yearly salaries for lead
19 officer responsibilities. The board may designate up to one hundred fifty employees as field training
20 officers and up to fifty employees as lead officers.

21 8. The board of police commissioners:

22 (1) Shall provide or contract for life insurance coverage and for insurance benefits providing
23 health, medical and disability coverage for officers and employees of the department to the same
24 extent as was provided by the city under section 84.344;

25 (2) Shall provide or contract for insurance coverage providing salary continuation coverage
26 for officers and employees of the police department to the same extent as was provided by the city
27 under section 84.344;

28 (3) Shall provide health, medical, and life insurance coverage for retired officers and
29 employees of the police department to the same extent as was provided by the city under section
30 84.344. Health, medical and life insurance coverage shall be made available for purchase to the
31 spouses or dependents of deceased retired officers and employees of the police department who
32 receive pension benefits pursuant to sections 86.200 to 86.364 to the same extent as was provided by
33 the city under section 84.344, and shall be at the rate that such dependent's or spouse's coverage
34 would cost under the appropriate plan if the deceased were living;

35 (4) May pay an additional shift differential compensation to members of the police force for
36 evening and night tour of duty in an amount not to exceed ten percent of the officer's base hourly
37 rate.

38 9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of
39 police commissioners shall pay additional compensation to members of the police force up to and

1 including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and
2 7:00 a.m., in amounts equal to ~~[five]~~ ten percent of the officer's base hourly pay.

3 10. The board of police commissioners, from time to time and in its discretion, may pay
4 additional compensation to police officers, sergeants and lieutenants by paying commissioned
5 officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be
6 made in increments of not less than forty hours, and at rates equivalent to the base straight-time
7 rates being earned by said officers at the time of payment; except that, no such officer shall be
8 required to accept payment for accumulated unused vacation time.

9 84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from
10 the next lowest grade; provided, however, that probationary patrolmen shall serve at least six
11 months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three
12 years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year
13 as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as
14 such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be
15 selected from men not members of the force or below the grade of captain. Patrolmen shall serve at
16 least three years as such before promotion to the rank of detective; the inspector shall be taken from
17 men in the rank not below the grade of lieutenant.

18 2. The boards of police are hereby authorized to make all such rules and regulations, not
19 inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary,
20 for the appointment, employment, uniforming, discipline, trial and government of the police. At the
21 time of the effective date of this act and until such time as the board adopts other investigative and
22 disciplinary policies and procedures not inconsistent with section 590.502, discipline and
23 investigative procedures for commissioned and civilian employees of the police force shall be
24 regulated by rule 7 of the police manual of the police department in effect as of November 4, 2013,
25 except that where rule 7 is in conflict with section 590.502, the board shall comply with the
26 requirements of section 590.502. Under no circumstances shall the board initially or hereafter adopt
27 investigative and disciplinary procedures that do not include the summary hearing board procedures
28 provided for in rule 7 of the police manual of the police department in effect as of November 4,
29 2013. The said boards shall also have power to require of any officer or policeman bond with
30 sureties when they may consider it demanded by the public interests. All lawful rules and
31 regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter
32 punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards
33 may adjudge.

34 3. The authority possessed by the board of police includes, but is not limited to, the
35 authority to delegate portions of its powers authorized in section 84.120, including presiding over a
36 disciplinary hearing, to a hearing officer as determined by the board.

37 84.225. Any officer or servant of the mayor or common council or municipal assembly of
38 the said cities, or other persons whatsoever, who shall forcibly resist or obstruct the execution or
39 enforcement of any of the provisions of sections 84.010 to 84.340 or relating to the same, or who

1 shall disburse or fail to disburse any money in violation thereof, or who shall hinder or obstruct the
2 organization or maintenance of said board of police, or the police force therein provided to be
3 organized and maintained, or who shall maintain or control any police force other than the one
4 therein provided for, or who shall delay or hinder the due enforcement of sections 84.010 to 84.340
5 by failing or neglecting to perform the duties by said sections imposed upon him or her, shall be
6 liable to a penalty of one thousand dollars for each and every offense, recoverable by the boards by
7 action at law in the name of the state, and shall forever thereafter be disqualified from holding or
8 exercising any office or employment whatsoever under the mayor or common council or municipal
9 assembly of said cities, or under sections 84.010 to 84.340; provided, however, that nothing in this
10 section shall be construed to interfere with the punishment, under any existing or any future laws of
11 this state, of any criminal offense which shall be committed by the said parties in or about the
12 resistance, obstruction, hindrance, conspiracy, combination, or disbursement aforesaid.

13 84.325. 1. On August 28, 2022, the board of police commissioners shall assume control of
14 any municipal police force established within any city not within a county according to the
15 procedures and requirements of this section and any rules promulgated under subsection 6 of this
16 section. The purpose of these procedures and requirements is to provide for an orderly and
17 appropriate transition in the governance of the police force and provide for an equitable employment
18 transition for commissioned and civilian personnel.

19 2. Upon the assumption of control by the board of police commissioners under subsection 1
20 of this section, any municipal police department within any city not within a county shall convey,
21 assign, and otherwise transfer to the board title and ownership of all indebtedness and assets,
22 including, but not limited to, all funds and real and personal property held in the name of or
23 controlled by the municipal police department. This expressly excludes any funds held by the city
24 in the name of, for the benefit of, or for future contribution to any police pension system created
25 under chapter 86. Such cities shall thereafter cease the operation of any police department or police
26 force.

27 3. Upon the assumption of control by the board of police commissioners under subsection 1
28 of this section, the state shall accept responsibility, ownership, and liability as successor-in-interest
29 for contractual obligations and other lawful obligations of the municipal police department. As used
30 herein, "obligations" shall not include, and shall not be construed to include, the city's obligation to
31 make contributions pursuant to section 86.337 to any police pension system created under chapter
32 86.

33 4. The board of police commissioners shall initially employ, without a reduction in rank,
34 salary, or benefits, all commissioned and civilian personnel of the municipal police department that
35 were employed by the municipal police department immediately prior to the date the board assumed
36 control. The board shall recognize all accrued years of service that such commissioned and civilian
37 personnel had with the municipal police department as well as all accrued years of service that such
38 commissioned and civilian personnel had previously with the board of police commissioners. Such
39 personnel shall be entitled to the same holidays, vacation, sick leave, sick bonus time, and annual

1 step-increases they were entitled to as employees of the municipal police department.

2 5. The commissioned and civilian personnel who retire from service with the municipal
 3 police department both before and after the board of police commissioners assumed control of the
 4 department under subsection 1 of this section shall continue to be entitled to the same pension
 5 benefits provided as employees of the municipal police department and the same benefits set forth in
 6 subsection 4 of this section.

7 6. The board of police commissioners may promulgate all necessary rules and regulations
 8 for the implementation and administration of this section. Any rule or portion of a rule, as that term
 9 is defined in section 536.010, that is created under the authority delegated in this section shall
 10 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
 11 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
 12 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
 13 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
 14 authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

15 84.346. Any police pension system created under chapter 86 for the benefit of a police force
 16 established under sections ~~[84.010]~~ 84.005 to 84.340 shall continue to be governed by chapter 86,
 17 and shall apply to any police force established under section 84.343 to 84.346. Other than any
 18 provision that makes chapter 86 applicable to a municipal police force established under section
 19 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be construed as limiting or changing the
 20 rights or benefits provided under chapter 86."; and

21
 22 Further amend said bill, Page 2, Section 84.730, Line 31, by inserting after said section and line the
 23 following:

24
 25 "105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the
 26 liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to abolish
 27 or waive any defense at law which might otherwise be available to any agency, officer, or employee
 28 of the state of Missouri. Sections 105.711 to 105.726 do not waive the sovereign immunity of the
 29 state of Missouri.

30 2. The creation of the state legal expense fund and the payment therefrom of such amounts
 31 as may be necessary for the benefit of any person covered thereby are deemed necessary and proper
 32 public purposes for which funds of this state may be expended.

33 3. Moneys in the state legal expense fund shall not be available for the payment of any
 34 claim or any amount required by any final judgment rendered by a court of competent jurisdiction
 35 against a board of police commissioners established under chapter 84, including the commissioners,
 36 any police officer, notwithstanding sections 84.330 and 84.710, or other provisions of law, other
 37 employees, agents, representative, or any other individual or entity acting or purporting to act on its
 38 or their behalf. Such was the intent of the general assembly in the original enactment of sections
 39 105.711 to 105.726, and it is made express by this section in light of the decision in *Wayman Smith*,

1 *III, et al. v. State of Missouri*, 152 S.W.3d 275. Except that the commissioner of administration shall
2 reimburse from the legal expense fund the board of police commissioners established under ~~[section~~
3 ~~84.350, and any successor-in-interest established pursuant to section 84.344,]~~ chapter 84 for liability
4 claims otherwise eligible for payment under section 105.711 paid by such ~~[board]~~ boards on a
5 twenty-one equal share basis per claim up to a maximum of one million dollars per fiscal year.

6 4. ~~[Subject to the provisions of subsection 2 of section 84.345,]~~ If the representation of the
7 attorney general is requested by a board of police commissioners ~~[or its successor-in-interest~~
8 ~~established pursuant to section 84.344]~~, the attorney general shall represent, investigate, defend,
9 negotiate, or compromise all claims under sections 105.711 to 105.726 for the board of police
10 commissioners, its successor-in-interest pursuant to section 84.344, any police officer, other
11 employees, agents, representatives, or any other individual or entity acting or purporting to act on
12 their behalf. The attorney general may establish procedures by rules promulgated under chapter 536
13 under which claims must be referred for the attorney general's representation. The attorney general
14 and the officials of the city which the police board represents ~~[or represented]~~ shall meet and
15 negotiate reasonable expenses or charges that will fairly compensate the attorney general and the
16 office of administration for the cost of the representation of the claims under this section.

17 5. Claims tendered to the attorney general promptly after the claim was asserted as required
18 by section 105.716 and prior to August 28, 2005, may be investigated, defended, negotiated, or
19 compromised by the attorney general and full payments may be made from the state legal expense
20 fund on behalf of the entities and individuals described in this section as a result of the holding in
21 *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275."; and

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.