

FIRST REGULAR SESSION

HOUSE BILL NO. 359

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

1057H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, and 105.726, RSMo, and to enact in lieu thereof eleven new sections relating to the operation of certain law enforcement agencies, with penalty provisions.

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

Section A. Sections 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.175, 2 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, and 105.726, RSMo, are 3 repealed and eleven new sections enacted in lieu thereof, to be known as sections 84.012, 4 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.225, 84.325, and 105.726, to read 5 as follows:

84.012. In all cities of this state not within a county, the common council or 2 municipal assembly of such cities may pass ordinances for preserving order; securing 3 property and persons from violence, danger, or destruction; protecting public and 4 private property; and promoting the interests and ensuring the good governance of the 5 cities, but no ordinances heretofore passed, or that may hereafter be passed, by the 6 common council or municipal assembly of the cities shall, in any manner, conflict or 7 interfere with the powers or the exercise of the powers of the boards of police 8 commissioners of the cities as created by section 84.020, nor shall the cities or any officer 9 or agent of the corporation of the cities, or the mayor thereof, in any manner impede, 10 obstruct, hinder, or interfere with the boards of police or any officer, or agent or servant 11 thereof or thereunder.

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.

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

84.030. Beginning on ~~[January 9, 1989]~~ **August 28, 2024, and no later than September 28, 2024**, the governor of the state of Missouri, by and with the advice and consent of the senate, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years. ~~[The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.]~~

84.100. To enable the boards to perform the duties imposed upon them, they are hereby authorized and required to appoint, enroll and employ a permanent police force for the cities which they shall equip and arm as they may judge necessary. Except as provided below, the number of patrolmen to be appointed shall not be ~~[more]~~ **less** than one thousand ~~[six]~~ **one** hundred ~~[eighty-three]~~ **forty-two** of which number not more than two hundred fifty are to be probationary patrolmen. Any increase in the number of patrolmen authorized, in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners, with the approval of the municipal board of estimate and apportionment. ~~[The number of turnkeys to be appointed shall be sixty five, except that for each patrolman hereafter promoted, demoted, removed, resigned or otherwise separated from the force, an additional turnkey may be appointed, but under no circumstances shall more than one hundred fifty turnkeys be appointed. As each additional turnkey is appointed, the maximum~~

13 ~~number of patrolmen to be appointed shall be reduced accordingly so that when one hundred~~
 14 ~~fifty turnkeys have been appointed, the number of patrolmen to be appointed shall not be~~
 15 ~~more than one thousand five hundred ninety-eight]~~ **The board may continue to employ as**
 16 **many noncommissioned police civilians, which shall include city marshals and park**
 17 **rangers, as it deems necessary in order to perform the duties imposed upon them.**

84.140. The boards shall grant every member of the police force who has served for
 2 one year or more a total of three weeks vacation each year with pay, and each member of the
 3 police force who has served the department for [~~twelve~~] **five** years or more shall receive
 4 [~~four~~] **five** weeks vacation each year with pay, and each member of the police force who has
 5 served the department for [~~twenty-one~~] **ten** years or more shall receive [~~five~~] **six** weeks
 6 vacation each year with pay, and each member of the police force who has served the
 7 department for [~~thirty~~] **fifteen** years or more [~~and is eligible to participate in the deferred~~
 8 ~~retirement option plan]~~ shall receive [~~six~~] **seven** weeks vacation each year with pay [~~;- however~~
 9 ~~the board may grant an additional week of paid vacation to members after one year of~~
 10 ~~service)], and each member of the police force who has served the department for **twenty**
 11 **years or more shall receive eight weeks vacation each year with pay.** All members of the
 12 police force shall receive [~~fifteen~~] **sixteen** holidays with pay, however the board may grant
 13 additional holidays with pay, and one hundred four days off duty each year with pay, and the
 14 boards may from time to time grant additional days off duty each year with pay when in the
 15 judgment of the boards, the granting thereof will not materially impair the efficiency of the
 16 department.~~

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

84.160. 1. As of August 28, [~~2006~~] **2023**, the board of police commissioners shall
 2 have the authority to compute and establish the annual salary of each member of the police
 3 force without receiving prior authorization from the general assembly, **which shall not be**

4 **less than the annual salary paid to any member at the time of the enactment of this**
5 **section and which annual salary shall increase by no less than four thousand dollars as**
6 **of July 1, 2024.**

7 2. Each officer of police and patrolman whose regular assignment requires
8 nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed
9 three hundred sixty dollars per annum payable biweekly. Notwithstanding the provisions of
10 subsection 1 of this section to the contrary, no additional compensation or compensatory time
11 off for overtime, court time, or standby court time shall be paid or allowed to any officer of
12 the rank of ~~sergeant~~ **lieutenant** or above. Notwithstanding any other provision of law to the
13 contrary, nothing in this section shall prohibit the payment of additional compensation
14 pursuant to this subsection to officers of the ranks of sergeants and above, provided that
15 funding for such compensation shall not:

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

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

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

28 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
29 board of police commissioners shall pay additional compensation for all hours of service
30 rendered by probationary patrolmen ~~and~~, patrolmen, **and sergeants** in excess of the
31 established regular working period, and the rate of compensation shall be one and one-half
32 times the regular hourly rate of pay to which each member shall normally be entitled; except
33 that, the court time and court standby time shall be paid at the regular hourly rate of pay to
34 which each member shall normally be entitled. No credit shall be given or deductions made
35 from payments for overtime for the purpose of retirement benefits.

36 5. Notwithstanding the provisions of subsection 1 of this section to the contrary,
37 probationary patrolmen ~~and~~, patrolmen, **and sergeants** shall receive additional
38 compensation for authorized overtime, court time and court standby time whenever the
39 total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as
40 compensatory time off at the officer's discretion with the approval of his supervisor.

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

44 7. The board of police commissioners [~~may~~] **shall** effect programs to provide
45 additional compensation to its employees for successful completion of academic work at an
46 accredited college or university, in amounts not to exceed ten percent of their yearly salaries
47 or for field training officer and lead officer responsibilities in amounts not to exceed three
48 percent of their yearly salaries for field training officer responsibilities and an additional three
49 percent of their yearly salaries for lead officer responsibilities. The board may designate up
50 to one hundred fifty employees as field training officers and up to fifty employees as lead
51 officers.

52 8. The board of police commissioners:

53 (1) Shall provide or contract for life insurance coverage and for insurance benefits
54 providing health, medical and disability coverage for officers and employees of the
55 department;

56 (2) Shall provide or contract for insurance coverage providing salary continuation
57 coverage for officers and employees of the police department;

58 (3) Shall provide health, medical, and life insurance coverage for retired officers and
59 employees of the police department. Health, medical and life insurance coverage shall be
60 made available for purchase to the spouses or dependents of deceased retired officers and
61 employees of the police department who receive pension benefits pursuant to sections 86.200
62 to 86.364 at the rate that such dependent's or spouse's coverage would cost under the
63 appropriate plan if the deceased were living;

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

67 9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
68 board of police commissioners shall pay additional compensation to members of the police
69 force up to and including the rank of police officer for any full hour worked between the
70 hours of 11:00 p.m. and 7:00 a.m., in amounts equal to [~~five~~] **ten** percent of the officer's base
71 hourly pay.

72 10. The board of police commissioners, from time to time and in its discretion, may
73 pay additional compensation to police officers, sergeants and lieutenants by paying
74 commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any
75 such payments shall be made in increments of not less than forty hours, and at rates
76 equivalent to the base straight-time rates being earned by said officers at the time of payment;

77 except that, no such officer shall be required to accept payment for accumulated unused
78 vacation time.

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

11 2. The boards of police are hereby authorized to make all such rules and regulations,
12 not inconsistent with sections ~~[84.010]~~ **84.012** to 84.340, or other laws of the state, as they
13 may judge necessary, for the appointment, employment, uniforming, discipline, trial and
14 government of the police. **At the time of the effective date of this act and until such time**
15 **as the board adopts other investigative and disciplinary policies and procedures not**
16 **inconsistent with section 590.502, discipline and investigative procedures for**
17 **commissioned and civilian employees of the police force shall be regulated by rule 7**
18 **of the police manual of the police department in effect as of November 4, 2013; except**
19 **that, where rule 7 is in conflict with section 590.502, the board shall comply with the**
20 **requirements of section 590.502. Under no circumstances shall the board initially or**
21 **hereafter adopt investigative and disciplinary procedures that do not include the**
22 **summary hearing board procedures provided for in rule 7 of the police manual of the**
23 **police department in effect as of November 4, 2013.** The said boards shall also have power
24 to require of any officer or policeman bond with sureties when they may consider it
25 demanded by the public interests. All lawful rules and regulations of the board shall be
26 obeyed by the police force on pain of dismissal or such lighter punishment, either by
27 suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge.

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

84.225. Any officer or servant of the mayor or common council or municipal
2 **assembly of the cities, or other persons whatsoever, who forcibly resists or obstructs the**
3 **execution or enforcement of any of the provisions of sections 84.012 to 84.340 or relating**
4 **to the same, or who disburses or fails to disburse any money in violation thereof, or who**
5 **hinders or obstructs the organization or maintenance of the board of police or the police**

6 force therein provided to be organized and maintained, or who maintains or controls
7 any police force other than the one therein provided for, or who delays or hinders the
8 due enforcement of sections 84.012 to 84.340 by failing or neglecting to perform the
9 duties by such sections imposed upon him or her, shall be subject to a penalty of one
10 thousand dollars for each offense, recoverable by the boards by action at law in the
11 name of the state, and shall forever thereafter be disqualified from holding or exercising
12 any office or employment whatsoever under the mayor or common council or municipal
13 assembly of such cities, or under sections 84.012 to 84.340; provided that, nothing in this
14 section shall be construed to interfere with the punishment, under any existing or any
15 future laws of this state, of any criminal offense that is committed by the parties in or
16 about the resistance, obstruction, hindrance, conspiracy, combination, or disbursement
17 aforesaid.

84.325. 1. On August 28, 2023, the board of police commissioners shall assume
2 control of any municipal police force established within any city not within a county
3 according to the procedures and requirements of this section and any rules promulgated
4 under subsection 6 of this section. The purpose of these procedures and requirements is
5 to provide for an orderly and appropriate transition in the governance of the police
6 force and provide for an equitable employment transition for commissioned and civilian
7 personnel.

8 2. Upon the assumption of control by the board of police commissioners under
9 subsection 1 of this section, any municipal police department within any city not within
10 a county shall convey, assign, and otherwise transfer to the board title and ownership of
11 all indebtedness and assets, including, but not limited to, all funds and real and personal
12 property held in the name of or controlled by the municipal police department. Such
13 city shall thereafter cease the operation of any police department or police force.

14 3. Upon the assumption of control by the board of police commissioners under
15 subsection 1 of this section, the state shall accept responsibility, ownership, and liability
16 as successor-in-interest for contractual obligations and other lawful obligations of the
17 municipal police department.

18 4. The board of police commissioners shall initially employ, without a reduction
19 in rank, salary, or benefits, all commissioned and civilian personnel of the municipal
20 police department who were employed by the municipal police department immediately
21 prior to the date the board assumed control. The board shall recognize all accrued
22 years of service that such commissioned and civilian personnel had with the municipal
23 police department, as well as all accrued years of service that such commissioned and
24 civilian personnel had previously with the board of police commissioners. Such
25 personnel shall be entitled to the same holidays, vacation, sick leave, sick bonus time,

26 **and annual step-increases they were entitled to as employees of the municipal police**
27 **department.**

28 **5. The commissioned and civilian personnel who retire from service with the**
29 **municipal police department before the board of police commissioners assumed control**
30 **of the department under subsection 1 of this section shall continue to be entitled to the**
31 **same pension benefits provided as employees of the municipal police department and**
32 **the same benefits set forth in subsection 4 of this section.**

33 **6. The board of police commissioners may promulgate all necessary rules and**
34 **regulations for the implementation and administration of this section. Any rule or**
35 **portion of a rule, as that term is defined in section 536.010, that is created under the**
36 **authority delegated in this section shall become effective only if it complies with and is**
37 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
38 **section and chapter 536 are nonseverable and if any of the powers vested with the**
39 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
40 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
41 **rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be**
42 **invalid and void.**

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the
2 liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to
3 abolish or waive any defense at law which might otherwise be available to any agency,
4 officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the
5 sovereign immunity of the state of Missouri.

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

9 3. Moneys in the state legal expense fund shall not be available for the payment of
10 any claim or any amount required by any final judgment rendered by a court of competent
11 jurisdiction against a board of police commissioners established under chapter 84, including
12 the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other
13 provisions of law, other employees, agents, representative, or any other individual or entity
14 acting or purporting to act on its or their behalf. Such was the intent of the general assembly
15 in the original enactment of sections 105.711 to 105.726, and it is made express by this
16 section in light of the decision in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d
17 275. Except that the commissioner of administration shall reimburse from the legal expense
18 fund the board of police commissioners established under ~~[section 84.350, and any successor~~
19 ~~in interest established pursuant to section 84.344,]~~ **chapter 84** for liability claims otherwise

20 eligible for payment under section 105.711 paid by such ~~[board]~~ **boards on a twenty-one**
21 **equal share basis per claim** up to a maximum of one million dollars per fiscal year.

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

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

2 ~~[84.175. 1. Upon recommendation of the chief of police, the board~~
3 ~~may authorize and provide for the organization of a police reserve force~~
4 ~~composed of members who receive a service retirement under the provisions~~
5 ~~of sections 86.200 to 86.366 and who qualify under the provisions of section~~
6 ~~84.120. Such reserve force shall be under the command of the chief of police~~
7 ~~and shall be provided training, equipment, uniforms, and arms as the chief~~
8 ~~shall direct with the approval of the board. Members of the reserve force shall~~
9 ~~possess all of the powers of regular police officers and shall be subject to all~~
10 ~~laws and regulations applicable to police officers; provided, however, that the~~
11 ~~city council or other governing body of any such city may in its discretion fix a~~
12 ~~total in number which the reserve force may not exceed.~~

13 2. ~~In event of riot or other emergencies as declared and defined by the~~
14 ~~mayor, in concurrence with the board, the board, upon recommendation of the~~
15 ~~chief, may appoint special officers or patrolmen for temporary service in~~
16 ~~addition to the police reserve force herein provided for, but the length of time~~
17 ~~for which such officers or patrolmen shall be employed shall be limited to the~~
~~time during which such emergency shall exist.]~~

2 ~~[84.240. The board of police commissioners shall establish the~~
3 ~~Bertillon system of identification of criminals and others by means of~~
4 ~~anthropometric indications, and they are further required to employ such~~
5 ~~additional assistance as may be necessary to properly conduct and manage this~~
~~department.]~~

2 ~~[84.341. No elected or appointed official of the state or any political~~
 3 ~~subdivision thereof shall act or refrain from acting in any manner to impede,~~
 4 ~~obstruct, hinder, or otherwise interfere with any member of a municipal police~~
 5 ~~force established under sections 84.343 to 84.346 in the performance of his or~~
 6 ~~her job duties, or with any aspect of any investigation arising from the~~
 7 ~~performance of such job duties. This section shall not be construed to prevent~~
 8 ~~such officials from acting within the normal course and scope of their~~
 9 ~~employment or from acting to implement sections 84.343 to 84.346. Any~~
 10 ~~person who violates this section shall be liable for a penalty of two thousand~~
 11 ~~five hundred dollars for each offense and shall forever be disqualified from~~
 12 ~~holding any office or employment whatsoever with the governmental entity~~
 13 ~~the person served at the time of the violation. The penalty shall not be paid by~~
 14 ~~the funds of any committee as the term committee is defined in section~~
 15 ~~130.011. This section shall not be construed to interfere with the punishment,~~
 16 ~~under any laws of this state, of a criminal offense committed by such officials,~~
 17 ~~nor shall this section apply to duly appointed members of the municipal police~~
 18 ~~force, or their appointing authorities, whose conduct is otherwise provided for~~
~~by law.]~~

2 ~~[84.342. 1. It shall be an unlawful employment practice for an official,~~
 3 ~~employee, or agent of a municipal police force established under sections~~
 4 ~~84.343 to 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate~~
 5 ~~against an employee of the municipal police force for reporting to any~~
 6 ~~superior, government agency, or the press the conduct of another employee~~
 7 ~~that the reporting employee believes, in good faith, is illegal.~~
 8 ~~2. Any employee of the municipal police force may bring a cause of~~
~~action for general or special damages based on a violation of this section.]~~

2 ~~[84.343. 1. Subject to the provisions of sections 84.344 to 84.346, any~~
 3 ~~city not within a county may establish a municipal police force for the~~
 4 ~~purposes of:~~
 5 ~~(1) Preserving the public peace, welfare, and order;~~
 6 ~~(2) Preventing crime and arresting suspected offenders;~~
 7 ~~(3) Enforcing the laws of the state and ordinances of the city;~~
 8 ~~(4) Exercising all powers available to a police force under generally~~
 9 ~~applicable state law; and~~
 10 ~~(5) Regulating and licensing all private watchmen, private detectives,~~
 11 ~~and private policemen serving or acting as such in said city.~~
 12 ~~2. Any person who acts as a private watchman, private detective, or~~
 13 ~~private policeman in said cities without having obtained a written license from~~
~~said cities is guilty of a class A misdemeanor.]~~

2 ~~[84.344. 1. Notwithstanding any provisions of this chapter to the~~
 3 ~~contrary, any city not within a county may establish a municipal police force~~
 4 ~~on or after July 1, 2013, according to the procedures and requirements of this~~
 5 ~~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~~

6 provide for an equitable employment transition for commissioned and civilian
7 personnel.

8 ~~2. Upon the establishment of a municipal police force by a city under~~
9 ~~sections 84.343 to 84.346, the board of police commissioners shall convey,~~
10 ~~assign, and otherwise transfer to the city title and ownership of all~~
11 ~~indebtedness and assets, including, but not limited to, all funds and real and~~
12 ~~personal property held in the name of or controlled by the board of police~~
13 ~~commissioners created under sections 84.010 to 84.340. The board of police~~
14 ~~commissioners shall execute all documents reasonably required to accomplish~~
15 ~~such transfer of ownership and obligations.~~

16 ~~3. If the city establishes a municipal police force and completes the~~
17 ~~transfer described in subsection 2 of this section, the city shall provide the~~
18 ~~necessary funds for the maintenance of the municipal police force.~~

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

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

36 ~~6. (1) Commissioned and civilian personnel of a municipal police~~
37 ~~force established under this section who are hired prior to September 1, 2023,~~
38 ~~shall not be subject to a residency requirement of retaining a primary residence~~
39 ~~in a city not within a county but may be required to maintain a primary~~
40 ~~residence located within a one hour response time.~~

41 ~~(2) Commissioned and civilian personnel of a municipal police force~~
42 ~~established under this section who are hired after August 31, 2023, may be~~
43 ~~subject to a residency rule no more restrictive than a requirement of retaining a~~
44 ~~primary residence in a city not within a county for a total of seven years and of~~
45 ~~then allowing the personnel to maintain a primary residence outside the city~~
46 ~~not within a county so long as the primary residence is located within a one-~~
47 ~~hour response time.~~

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

53 8. ~~If the city not within a county elects to establish a municipal police~~
54 ~~force under this section, the city shall establish a separate division for the~~
55 ~~operation of its municipal police force. The civil service commission of the~~
56 ~~city may adopt rules and regulations appropriate for the unique operation of a~~
57 ~~police department. Such rules and regulations shall reserve exclusive~~
58 ~~authority over the disciplinary process and procedures affecting commissioned~~
59 ~~officers to the civil service commission; however, until such time as the city~~
60 ~~adopts such rules and regulations, the commissioned personnel shall continue~~
61 ~~to be governed by the board of police commissioner's rules and regulations in~~
62 ~~effect immediately prior to the establishment of the municipal police force,~~
63 ~~with the police chief acting in place of the board of police commissioners for~~
64 ~~purposes of applying the rules and regulations. Unless otherwise provided for,~~
65 ~~existing civil service commission rules and regulations governing the appeal of~~
66 ~~disciplinary decisions to the civil service commission shall apply to all~~
67 ~~commissioned and civilian personnel. The civil service commission's rules~~
68 ~~and regulations shall provide that records prepared for disciplinary purposes~~
69 ~~shall be confidential, closed records available solely to the civil service~~
70 ~~commission and those who possess authority to conduct investigations~~
71 ~~regarding disciplinary matters pursuant to the civil service commission's rules~~
72 ~~and regulations. A hearing officer shall be appointed by the civil service~~
73 ~~commission to hear any such appeals that involve discipline resulting in a~~
74 ~~suspension of greater than fifteen days, demotion, or termination, but the civil~~
75 ~~service commission shall make the final findings of fact, conclusions of law,~~
76 ~~and decision which shall be subject to any right of appeal under chapter 536.~~

77 9. ~~A city not within a county that establishes and maintains a~~
78 ~~municipal police force under this section:~~

79 (1) ~~Shall provide or contract for life insurance coverage and for~~
80 ~~insurance benefits providing health, medical, and disability coverage for~~
81 ~~commissioned and civilian personnel of the municipal police force to the same~~
82 ~~extent as was provided by the board of police commissioners under section~~
83 ~~84.160;~~

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

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

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

100 10. A city not within a county that establishes a municipal police force
101 ~~under sections 84.343 to 84.346 shall establish a transition committee of five~~
102 ~~members for the purpose of: coordinating and implementing the transition of~~
103 ~~authority, operations, assets, and obligations from the board of police~~
104 ~~commissioners to the city; winding down the affairs of the board; making~~
105 ~~nonbinding recommendations for the transition of the police force from the~~
106 ~~board to the city; and other related duties, if any, established by executive~~
107 ~~order of the city's mayor. Once the ordinance referenced in this section is~~
108 ~~enacted, the city shall provide written notice to the board of police~~
109 ~~commissioners and the governor of the state of Missouri. Within thirty~~
110 ~~days of such notice, the mayor shall appoint three members to the committee,~~
111 ~~two of whom shall be members of a statewide law enforcement association~~
112 ~~that represents at least five thousand law enforcement officers. The remaining~~
113 ~~members of the committee shall include the police chief of the municipal~~
114 ~~police force and a person who currently or previously served as a~~
115 ~~commissioner on the board of police commissioners, who shall be appointed~~
116 ~~to the committee by the mayor of such city.]~~

2 ~~[84.345. 1. Except as required for the board of police commissioners~~
3 ~~to conclude its affairs and pursue legal claims and defenses, upon the~~
4 ~~establishment of a municipal police force, the terms of office of the~~
5 ~~commissioners of the board of police created under sections 84.020 and~~
6 ~~84.030 shall expire, and the provisions of sections 84.010 to 84.340 shall not~~
7 ~~apply to any city not within a county or its municipal police force as of such~~
8 ~~date. The board shall continue to operate, if necessary, to wind down the~~
9 ~~board's affairs until the transfer of ownership and obligations under subsection~~
10 ~~2 of section 84.344 has been completed. During such time, the board of police~~
11 ~~commissioners shall designate and authorize its secretary to act on behalf of~~
12 ~~the board for purposes of performing the board's duties and any other actions~~
13 ~~incident to the transfer and winding down of the board's affairs.~~

14 ~~2. For any claim, lawsuit, or other action arising out of actions~~
15 ~~occurring before the date of completion of the transfer provided under~~
16 ~~subsection 2 of section 84.344, the state shall continue to provide legal~~
17 ~~representation as set forth in section 105.726, and the state legal expense fund~~
18 ~~shall continue to provide reimbursement for such claims under section~~
19 ~~105.726. This subsection applies to all claims, lawsuits, and other actions~~
20 ~~brought against any commissioner, police officer, employee, agent,~~
21 ~~representative, or any individual or entity acting or purporting to act on its~~
22 ~~or their behalf.~~

23 ~~3. Notwithstanding any other provision of law, rule, or regulation to~~
24 ~~the contrary, any city not within a county that establishes a municipal police~~
25 ~~force under sections 84.343 to 84.346 shall not be restricted or limited in any~~
26 ~~way in the selection of a police chief or chief of the division created under~~
27 ~~subsection 8 of section 84.344.~~

28 ~~4. It shall be the duty of the sheriff for any city not within a county,~~
29 ~~whenever called upon by the police chief of the municipal police force, to act~~
30 ~~under the police chief's control for the preservation of the public peace and~~
~~quiet; and, whenever the exigency or circumstances may, in the police chief's~~

31 ~~judgment, warrant it, said police chief shall have the power to assume the~~
32 ~~control and command of all local and municipal conservators of the peace of~~
33 ~~the city, whether sheriff, constable, policemen or others, and they shall act~~
34 ~~under the orders of the said police chief and not otherwise.]~~

2 ~~[84.346. Any police pension system created under chapter 86 for the~~
3 ~~benefit of a police force established under sections 84.010 to 84.340 shall~~
4 ~~continue to be governed by chapter 86, and shall apply to any police force~~
5 ~~established under section 84.343 to 84.346. Other than any provision that~~
6 ~~makes chapter 86 applicable to a municipal police force established under~~
7 ~~section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be~~
8 ~~construed as limiting or changing the rights or benefits provided under chapter~~
~~86.]~~

2 ~~[84.347. Notwithstanding the provisions of section 1.140 to the~~
3 ~~contrary, the provisions of sections 84.343 to 84.346 shall be nonseverable. If~~
4 ~~any provision of sections 84.343 to 84.346 is for any reason held to be invalid,~~
~~such decision shall invalidate all of the remaining provisions of this act.]~~

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