

FIRST REGULAR SESSION

HOUSE BILL NO. 439

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOVIS.

1351H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 590.090, RSMo, and to enact in lieu thereof one new section relating to peace officer license suspensions.

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

Section A. Section 590.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.090, to read as follows:

590.090. 1. The director shall have cause to suspend immediately the peace officer license of any licensee who:

(1) Is under indictment for, is charged with, or has been convicted of the commission of any felony;

(2) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or

(3) Presents a clear and present danger to the public health or safety if commissioned as a peace officer.

2. At any time after the filing of a disciplinary complaint pursuant to section 590.080, if the director determines that probable cause exists to suspend immediately the peace officer license of the subject of the complaint, the director ~~may~~ **shall**, without notice or hearing, issue an emergency order suspending such license until final determination of the disciplinary complaint. Such order shall state the probable cause for the suspension and shall be served upon the licensee by certified mail at the licensee's address of record ~~[pursuant to subdivision (2) of subsection 3 of section 590.130]~~. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required

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.

18 notice has been given. The director shall also notify the chief executive officer of any law
19 enforcement agency currently commissioning the officer. The director shall have authority to
20 dissolve an emergency order of suspension at any time for any reason.

21 3. A licensee subject to an emergency order of suspension may petition the
22 administrative hearing commission for review of the director's determination of probable
23 cause, in which case the administrative hearing commission shall within five business days
24 conduct an emergency hearing, render its decision, and issue findings of fact and conclusions
25 of law. Sworn affidavits or depositions shall be admissible on the issue of probable cause and
26 may be held sufficient to establish probable cause. The administrative hearing commission
27 shall have no authority to stay or terminate an emergency order of suspension without a
28 hearing pursuant to this subsection. Findings and conclusions made in determining probable
29 cause for an emergency suspension shall not be binding on any party in any proceeding
30 pursuant to section 590.080.

31 4. Any party aggrieved by a decision of the administrative hearing commission
32 pursuant to this section may appeal to the circuit court of Cole County as provided in section
33 536.100.

✓