

FIRST REGULAR SESSION

# HOUSE BILL NO. 440

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOVIS.

1352H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 590.040 and 590.080, RSMo, and to enact in lieu thereof two new sections relating to peace officers.

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

Section A. Sections 590.040 and 590.080, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 590.040 and 590.080, to read as follows:

590.040. 1. The POST commission shall set the minimum number of hours of basic  
2 training for licensure as a peace officer no lower than ~~four hundred seventy and no higher~~  
3 ~~than~~ six hundred, with the following exceptions:

4 (1) Up to one thousand hours may be mandated for any class of license required for  
5 commission by a state law enforcement agency;

6 (2) As few as one hundred twenty hours may be mandated for any class of license  
7 restricted to commission as a reserve peace officer with police powers limited to the  
8 commissioning political subdivision;

9 (3) Persons validly licensed on August 28, 2001, may retain licensure without  
10 additional basic training;

11 (4) Persons licensed and commissioned within a county of the third classification  
12 before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if  
13 the commissioning political subdivision has adopted an order or ordinance to that effect;

14 (5) Persons serving as a reserve officer on August 27, 2001, within a county of the  
15 first classification or a county with a charter form of government and with more than one  
16 million inhabitants on August 27, 2001, having previously completed a minimum of one  
17 hundred sixty hours of training, shall be granted a license necessary to function as a reserve

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 peace officer only within such county. For the purposes of this subdivision, the term "reserve  
19 officer" shall mean any person who serves in a less than full-time law enforcement capacity,  
20 with or without pay and who, without certification, has no power of arrest and who, without  
21 certification, must be under the direct and immediate accompaniment of a certified peace  
22 officer of the same agency at all times while on duty; and

23 (6) The POST commission shall provide for the recognition of basic training received  
24 at law enforcement training centers of other states, the military, the federal government and  
25 territories of the United States regardless of the number of hours included in such training and  
26 shall have authority to require supplemental training as a condition of eligibility for licensure.

27 2. The director shall have the authority to limit any exception provided in subsection  
28 1 of this section to persons remaining in the same commission or transferring to a commission  
29 in a similar jurisdiction.

30 3. The basic training of every peace officer, except agents of the conservation  
31 commission, shall include at least thirty hours of training in the investigation and  
32 management of cases involving domestic and family violence. Such training shall include  
33 instruction, specific to domestic and family violence cases, regarding: report writing;  
34 physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and  
35 alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety  
36 of victims, other family and household members and investigating officers; legal rights and  
37 remedies available to victims, including rights to compensation and the enforcement of civil  
38 and criminal remedies; services available to victims and their children; the effects of cultural,  
39 racial and gender bias in law enforcement; and state statutes. Said curriculum shall be  
40 developed and presented in consultation with the department of health and senior services, the  
41 children's division, public and private providers of programs for victims of domestic and  
42 family violence, persons who have demonstrated expertise in training and education  
43 concerning domestic and family violence, and the Missouri coalition against domestic  
44 violence.

590.080. 1. The director shall have cause to discipline any peace officer licensee  
2 who:

3 (1) Is unable to perform the functions of a peace officer with reasonable competency  
4 or reasonable safety [~~as a result of a mental condition, including alcohol or substance abuse~~];

5 (2) Has committed any criminal offense, whether or not a criminal charge has been  
6 filed, **or has been convicted or has entered a plea of guilty or nolo contendere in a**  
7 **criminal prosecution under the laws of any state, or the United States, or of any country,**  
8 **whether or not a sentence is imposed;**

9 (3) Has committed any act [~~while on active duty or under color of law~~] that involves  
10 moral turpitude or a reckless disregard for the safety of the public or any person;

11 (4) Has caused a material fact to be misrepresented for the purpose of obtaining or  
12 retaining a peace officer commission or any license issued pursuant to this chapter;

13 (5) Has violated a condition of any order of probation lawfully issued by the director;  
14 ~~[or]~~

15 (6) Has violated a provision of this chapter or a rule promulgated pursuant to this  
16 chapter;

17 **(7) Has tested positive for a controlled substance, as defined in chapter 195,**  
18 **without a valid prescription for the controlled substance;**

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

22 **(9) Has committed any act of gross misconduct indicating inability to function as**  
23 **a peace officer.**

24 2. When the director has knowledge of cause to discipline a peace officer license  
25 pursuant to this section, the director may cause a complaint to be filed with the administrative  
26 hearing commission, which shall conduct a hearing to determine whether the director has  
27 cause for discipline, and which shall issue findings of fact and conclusions of law on the  
28 matter. The administrative hearing commission shall not consider the relative severity of the  
29 cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the  
30 discretion of the director to determine appropriate discipline when cause exists pursuant to  
31 this section.

32 3. Upon a finding by the administrative hearing commission that cause to discipline  
33 exists, the director shall, within thirty days, hold a hearing to determine the form of discipline  
34 to be imposed and thereafter shall probate, suspend, or permanently revoke the license at  
35 issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of  
36 the right to such hearing.

37 4. Notice of any hearing pursuant to this chapter or section may be made by certified  
38 mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section  
39 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal  
40 authorities to deliver such certified mail shall be evidence that required notice has been given.  
41 Notice may be given by publication.

42 5. Nothing contained in this section shall prevent a licensee from informally  
43 disposing of a cause for discipline with the consent of the director by voluntarily surrendering  
44 a license or by voluntarily submitting to discipline.

45           6. The provisions of chapter 621 and any amendments thereto, except those  
46 provisions or amendments that are in conflict with this chapter, shall apply to and govern the  
47 proceedings of the administrative hearing commission and pursuant to this section the rights  
48 and duties of the parties involved.

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