

FIRST REGULAR SESSION

# HOUSE BILL NO. 1000

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS.

2248H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof one new section relating to law enforcement residency requirements.

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Section A. Section 84.344, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 84.344, to read as follows: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

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

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

31           6. ~~[(1)]~~ Commissioned and civilian personnel of a municipal police force established  
32 under this section ~~[who are hired prior to September 1, 2023,]~~ shall not be subject to a  
33 residency requirement of retaining a primary residence in a city not within a county but may  
34 be required to maintain a primary residence located within a one-hour response time.

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

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

45           8. If the city not within a county elects to establish a municipal police force under this  
46 section, the city shall establish a separate division for the operation of its municipal police  
47 force. The civil service commission of the city may adopt rules and regulations appropriate  
48 for the unique operation of a police department. Such rules and regulations shall reserve  
49 exclusive authority over the disciplinary process and procedures affecting commissioned  
50 officers to the civil service commission; however, until such time as the city adopts such rules  
51 and regulations, the commissioned personnel shall continue to be governed by the board of  
52 police commissioner's rules and regulations in effect immediately prior to the establishment  
53 of the municipal police force, with the police chief acting in place of the board of police

54 commissioners for purposes of applying the rules and regulations. Unless otherwise provided  
55 for, existing civil service commission rules and regulations governing the appeal of  
56 disciplinary decisions to the civil service commission shall apply to all commissioned and  
57 civilian personnel. The civil service commission's rules and regulations shall provide that  
58 records prepared for disciplinary purposes shall be confidential, closed records available  
59 solely to the civil service commission and those who possess authority to conduct  
60 investigations regarding disciplinary matters pursuant to the civil service commission's rules  
61 and regulations. A hearing officer shall be appointed by the civil service commission to hear  
62 any such appeals that involve discipline resulting in a suspension of greater than fifteen days,  
63 demotion, or termination, but the civil service commission shall make the final findings of  
64 fact, conclusions of law, and decision which shall be subject to any right of appeal under  
65 chapter 536.

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

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

72 (2) Shall provide or contract for medical and life insurance coverage for any  
73 commissioned or civilian personnel who retired from service with the board of police  
74 commissioners or who were employed by the board of police commissioners and retire from  
75 the municipal police force of a city not within a county to the same extent such medical and  
76 life insurance coverage was provided by the board of police commissioners under section  
77 84.160;

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

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

87 10. A city not within a county that establishes a municipal police force under sections  
88 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:  
89 coordinating and implementing the transition of authority, operations, assets, and obligations  
90 from the board of police commissioners to the city; winding down the affairs of the board;

91 making nonbinding recommendations for the transition of the police force from the board to  
92 the city; and other related duties, if any, established by executive order of the city's mayor.  
93 Once the ordinance referenced in this section is enacted, the city shall provide written notice  
94 to the board of police commissioners and the governor of the state of Missouri. Within thirty  
95 days of such notice, the mayor shall appoint three members to the committee, two of whom  
96 shall be members of a statewide law enforcement association that represents at least five  
97 thousand law enforcement officers. The remaining members of the committee shall include  
98 the police chief of the municipal police force and a person who currently or previously served  
99 as a commissioner on the board of police commissioners, who shall be appointed to the  
100 committee by the mayor of such city.

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