

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 110

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

4931H.011

DANA RADEMAN MILLER, Chief Clerk

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article VII of the Constitution of Missouri, by adopting one new section relating to sheriffs.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2024, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article VII of the Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is amended by adopting one new section, to be known as Section 15, to read as follows:

**Section 15. 1. Except as provided in subsection 2 of this section, each county shall elect a sheriff for a term of four years by a majority of the qualified voters of the county voting thereon at the time of voting designated for such office provided by law as of the effective date of this section and every four years thereafter.**

**2. The provisions of subsection 1 of this section shall not apply to a county in which the office of sheriff is not an elected office as of the effective date of this section. Such county may restore the office of sheriff as an elected office as provided by law, and such restoration shall be irrevocable. A county that restores the office of sheriff as an elected office shall elect a sheriff by a majority of the qualified voters of the county voting thereon for a term of four years.**

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.

11           **3. The elected sheriff shall be the chief law enforcement officer in his or her**  
12 **county and shall be notified of all federal investigations in his or her county.**  
13 **Notwithstanding Article VI, Section 18(a) or any other article of the Constitution of**  
14 **Missouri to the contrary, every sheriff, in addition to duties as set in law, shall quell and**  
15 **suppress assaults, batteries, riots, routs, affrays, and insurrections and shall:**

16           **(1) Apprehend and commit to jail all felons and traitors;**

17           **(2) Attend each division of the circuit court presided over by a circuit or**  
18 **associate circuit court judge held in his or her county, when so directed by the court;**  
19 **and**

20           **(3) Execute process, including writs of replevin, attachments, and final process**  
21 **issued by circuit and associate circuit court judges, unless the sheriff of the county does**  
22 **not perform such duties as of August 28, 2024.**

23           **4. Every sheriff is a conservator of the peace within his or her county and shall**  
24 **cause all offenders against law to appear at the next term of the circuit or associate court**  
25 **of the county and to be committed to jail in case of failure to give the recognizance.**

26           **5. The sheriff of all counties shall hire and appoint such deputies, assistants, and**  
27 **other employees as the sheriff deems necessary for the proper discharge of the duties of**  
28 **his or her office, who shall hold office at the will and pleasure of the sheriff and may set**  
29 **their compensation within the limits of the allocations made for that purpose.**

30           **6. Any sheriff may be removed by the qualified voters by recall in accordance**  
31 **with the procedure under this section subject to the following limitations:**

32           **(1) The recalled sheriff shall have held office for at least six months; and**

33           **(2) The recalled sheriff shall not be a candidate to succeed himself or herself at a**  
34 **special election held to fill the vacancy created by the official's recall and shall not be**  
35 **appointed to fill the vacancy.**

36           **7. A petition signed by voters entitled to vote for a successor to the incumbent**  
37 **sought to be removed, equal in number to at least fifty percent of the total number of**  
38 **registered voters in such county entitled to vote for a successor to the incumbent sought**  
39 **to be removed, demanding the recall of a person from elective office shall be filed with**  
40 **the county clerk which petition shall contain a statement of the reasons for which recall**  
41 **is sought which shall not be more than two hundred words in length. Such petition for**  
42 **recall shall be filed with the appropriate county clerk or election authority within sixty**  
43 **days after the date of the earliest signature on the petition. The reasons for recall are**  
44 **misconduct in office, incompetence, or failure to perform duties prescribed by law. The**  
45 **signatures to the petition need not all be appended to one paper, but each signer shall**  
46 **add to his or her signature his or her place of residence, giving the street and number**  
47 **and the date signed. One of the signers of each such paper shall make an oath before an**

48 **officer competent to administer oaths that the statements therein made are true as he or**  
49 **she believes and that each signature to the paper appended is the genuine signature of**  
50 **the person whose name it purports to be. A special election shall be held on the recall on**  
51 **the first Tuesday after the first Monday in November. The question to be presented to**  
52 **the voters at such election shall be in substantially the following form:**

- 53                  **FOR the removal of \_\_\_\_\_ (name of sheriff) from the**  
54                                   **office of the sheriff.**
- 55                  **AGAINST the removal of \_\_\_\_\_ (name of sheriff) from**  
56                                   **the office of the sheriff.**

57

58 **If a majority of the qualified electors voting on the question at such election vote for the**  
59 **removal of the sheriff, a vacancy shall exist in such office. If a majority of the qualified**  
60 **electors voting on the question at such election vote against the removal of the sheriff,**  
61 **the sheriff shall continue to serve for the remainder of the term for which he or she was**  
62 **elected.**

          Section B. Pursuant to chapter 116, and other applicable constitutional provisions and  
2 laws of this state allowing the general assembly to adopt ballot language for the submission of  
3 this joint resolution to the voters of this state, the official summary statement of this  
4 resolution shall be as follows:

5        "Shall the Missouri Constitution be amended to support law enforcement by  
6        preserving the right of citizens to elect a county sheriff and prohibiting the removal of  
7        a county sheriff except by a special election to recall?".

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