

HOUSE AMENDMENT NO. ____
TO
HOUSE AMENDMENT NO. ____

Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for Senate Bill No. 7, Page 1, Line 1, by inserting after the word "Page" the following:

"Page 50, Section 301.142, Line 224, by inserting after all of said section and line the following:

"320.500. The provisions of sections 320.500 to 320.528 shall be known and referred to as the "Firefighters' Procedural Bill of Rights Act".

320.502. For purposes of sections 320.500 to 320.528, the following terms mean:

(1) "Firefighter", any Missouri resident who is employed full-time or part-time by a public agency located in the state as a firefighter or as a first responder or ancillary service personnel, including emergency medical service workers, dispatchers, paramedics, emergency maintenance technicians, and emergency medical technicians (EMT) who are employed by a fire district, fire protection district, fire department, or fire authority. The term "firefighter" does not apply to any employee who has not successfully completed the probationary period established by his or her employer as a condition of employment;

(2) "Interrogation", any formal interview, inquiry, or questioning of any firefighter by the appointing authority's designee regarding misconduct or violation of policy;

(3) "Public agency", any fire district, municipal fire department, ambulance district, or emergency 911 dispatching agency;

(4) "Punitive action", any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment;

(5) "Representative", an individual who accompanies and advises a firefighter during an interrogation and during the course of an investigation and who may intervene, raise objections, and provide moral support to the firefighter;

(6) "Social media account", any electronic service or account or any electronic content including, but not limited to, videos, photographs, audio blogs, video blogs, podcasts, instant messages or text messages, email programs or services, online services, or website profiles.

Action Taken _____ Date _____

1 320.504. 1. Except as otherwise provided in chapter 36, or whenever on duty or in uniform,
2 no firefighter shall be prohibited from engaging, or be coerced or required to engage, in political
3 activity.

4 2. A firefighter shall not be prohibited from seeking election to, or serving as a member of,
5 the governing board of a school district or any local agency where the firefighter is not employed
6 including, but not limited to, any city, county, or political subdivision thereof.

7 320.506. 1. When any firefighter is under investigation and subjected to interrogation by his
8 or her commanding officer, or any other member designated by the employing department or
9 licensing or certifying agency, that could lead to punitive action, the interrogation shall be
10 conducted under the following conditions:

11 (1) The interrogation shall be conducted at a reasonable hour, at a time when the firefighter
12 is on duty, unless an imminent threat to the safety of the public requires otherwise. If the
13 interrogation does occur during off-duty time of the firefighter being interrogated, the firefighter
14 shall be compensated for any off-duty time in accordance with regular department procedures. The
15 firefighter's compensation shall not be reduced as a result of any work missed while being
16 interrogated;

17 (2) The firefighter under investigation shall be informed, prior to the interrogation, of the
18 rank, name, and command of the officer or other person in charge of the interrogation; the
19 interrogating officer; and all other persons to be present during the interrogation. All questions
20 directed to the firefighter under investigation shall be asked by and through no more than two
21 interrogators at one time;

22 (3) The firefighter under investigation shall be informed of the nature of the investigation
23 prior to any interrogation;

24 (4) The interrogating session shall be for a reasonable period taking into consideration the
25 gravity and complexity of the issue being investigated. The firefighter under interrogation shall be
26 allowed reasonable breaks to attend to his or her own personal physical necessities;

27 (5) Prior to an interview session, the investigator or investigators conducting the
28 investigation shall advise the firefighter of the rule set out in *Garrity v. New Jersey*, 385 U.S. 493
29 (1967), specifically that the firefighter is being ordered to answer questions under threat of
30 disciplinary action and that the firefighter's answers to the questions will not be used against the
31 firefighter in criminal proceedings;

32 (6) (a) The firefighter under investigation shall not be subjected to offensive language or
33 threatened with punitive action. A promise of reward shall not be made as an inducement to answer
34 any question. The employer shall provide to, and obtain from, the firefighter under investigation a
35 formal grant of immunity from criminal prosecution, in writing, before the firefighter may be
36 compelled to respond to incriminating questions in an interrogation. Subject to that grant of
37 immunity, a firefighter refusing to respond to questions or subject to interrogations directly related
38 to the investigation shall be informed that the failure to answer questions directly related to the
39 investigation may result in punitive action;

1 (b) The employer shall not cause the firefighter under investigation to be subjected to visits
2 by the press or news media without his or her express written consent free of duress, and the
3 firefighter's photograph, home address, telephone number, or other contact information shall not be
4 given to the press or news media without his or her express written consent free of duress;

5 (7) A statement made during interrogation by a firefighter under duress, coercion, or threat
6 of punitive action shall not be admissible in any subsequent judicial proceeding, subject to the
7 following qualifications:

8 (a) This subdivision shall not limit the use of statements otherwise made by a firefighter
9 when the employing fire department is seeking civil service sanctions against any firefighter; and

10 (b) This subdivision shall not prevent the admissibility of statements otherwise made by the
11 firefighter during interrogation in any civil action, including administrative actions, brought by that
12 firefighter, or that firefighter's exclusive representative, arising out of a disciplinary action;

13 (8) The complete interrogation of a firefighter may be recorded. If a recording is made of
14 the interrogation, the firefighter shall have access to the recording if any further proceedings are
15 contemplated or prior to any further interrogation at a subsequent time. The firefighter shall be
16 entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints
17 made by investigators or other persons, except those portions that are otherwise required by law to
18 be kept confidential. Notes or reports that are deemed to be confidential shall not be entered in the
19 firefighter's personnel file. The firefighter being interrogated shall have the right to bring his or her
20 own recording device and record any and all aspects of the interrogation;

21 (9) Upon the filing of a formal written statement of charges, or whenever an interrogation
22 focuses on matters that may result in punitive action against any firefighter, that firefighter, at his or
23 her request, shall have the right to be represented by a representative of his or her choice who may
24 be present at all times during the interrogation. The representative shall not be a person subject to
25 the same investigation. The representative shall not be required to disclose, or be subject to any
26 punitive action for refusing to disclose, any information received from the firefighter under
27 investigation for noncriminal matters;

28 (10) An employer shall not, either directly or indirectly, require, request, suggest, or cause
29 any firefighter to disclose the username, password, or any other information that would provide
30 access to any of his or her personal social media accounts.

31 2. The provisions of this section shall not be construed to apply to counseling, instruction, or
32 informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any
33 other firefighter.

34 320.508. 1. A firefighter shall not be subjected to punitive action or denied promotion, or
35 threatened with that treatment, because of the lawful exercise of the rights granted under sections
36 320.500 to 320.528 or the exercise of any rights under any existing administrative grievance
37 procedure.

38 2. Punitive action or denial of promotion on grounds other than merit shall not be
39 undertaken by any employing department or licensing or certifying agency against any firefighter

1 who has successfully completed the probationary period without providing the firefighter with an
2 opportunity for administrative appeal.

3 3. A fire chief shall not be removed by a public agency or appointing authority without
4 providing that person with written notice, the reason or reasons for removal, and an opportunity for
5 administrative appeal. For purposes of this subsection, the removal of a fire chief by a public
6 agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the
7 public agency or appointing authority, or for reasons including, but not limited to, incompatibility of
8 management styles or as a result of change in administration, shall be sufficient to constitute reason.
9 Nothing in this subsection shall be construed to create a property interest, if one does not otherwise
10 exist by rule or law, in the job of fire chief.

11 4. Punitive action or denial of promotion on grounds other than merit shall not be
12 undertaken for any act, omission, or other allegation of misconduct if the investigation of the
13 allegation is not completed within one year of discovery by the employing fire department or
14 licensing or certifying agency. This one-year limitation period shall apply only if the discovery of
15 the act, omission, or other misconduct occurred on or after August 28, 2025. If the employing
16 department or licensing or certifying agency determines that discipline may be taken, it shall
17 complete its investigation and notify the firefighter of its proposed disciplinary action within that
18 year, except in any of the following circumstances:

19 (1) If the firefighter voluntarily waives the one-year time period in writing, the time period
20 shall be tolled for the period of time specified in the written waiver;

21 (2) If the act, omission, or other allegation of misconduct is also the subject of a criminal
22 investigation or criminal prosecution, the time during which the criminal investigation or criminal
23 prosecution is pending shall toll the one-year period;

24 (3) If the investigation is a multi-jurisdictional investigation that requires a reasonable
25 extension for coordination of the involved agencies;

26 (4) If the investigation involves an employee who is incapacitated or otherwise unavailable;

27 (5) If the investigation involves a matter in civil litigation where the firefighter is named as
28 a party defendant, the one-year time period shall be tolled while that civil action is pending;

29 (6) If the investigation involves a matter in criminal litigation in which the complainant is a
30 criminal defendant, the one-year time period shall be tolled during the period of that defendant's
31 criminal investigation and prosecution; or

32 (7) If the investigation involves an allegation of workers' compensation fraud on the part of
33 the firefighter.

34 5. If a predisciplinary response or grievance procedure is required or utilized, the time for
35 that response or procedure shall not be governed or limited by sections 320.500 to 320.528.

36 6. If, after investigation and any predisciplinary response or procedure, the employing
37 department or licensing or certifying agency decides to impose discipline, that agency shall notify
38 the firefighter in writing of its decision to impose discipline within thirty days of its decision but not
39 less than forty-eight hours prior to imposing the discipline.

1 7. Notwithstanding the one-year time period specified in subsection 4 of this section, an
2 investigation may be reopened against a firefighter if both of the following circumstances exist:

3 (1) Significant new evidence has been discovered that is likely to affect the outcome of the
4 investigation; and

5 (2) One of the following conditions exists:

6 (a) The evidence could not reasonably be discovered in the normal course of investigation
7 without resorting to extraordinary measures by the agency; or

8 (b) The evidence resulted from the firefighter's predisciplinary response or procedure.

9 320.510. 1. An administrative appeal instituted by a firefighter under sections 320.500 to
10 320.528 shall be conducted in accordance with rules and procedures adopted by the employing
11 department or licensing or certifying agency that are in accordance with chapter 536.

12 2. Notwithstanding subsection 1 of this section, if the employing department is subject to a
13 memorandum of understanding that provides for binding arbitration of administrative appeals, the
14 arbitrator or arbitration panel shall serve as the hearing officer in accordance with chapter 536 and,
15 notwithstanding any other provision of law, that hearing officer's decision shall be binding.
16 However, a memorandum of understanding negotiated with an employing agency shall not control
17 the process for administrative appeals instituted with licensing or certifying agencies. Any
18 administrative appeal instituted with licensing or certifying agencies shall adhere to the
19 requirements prescribed in subsection 1 of this section.

20 320.512. A firefighter shall not have any comment adverse to his or her interest entered in
21 his or her personnel file, or any other file used for any personnel purposes by his or her employer,
22 without the firefighter having first read and signed the instrument containing the adverse comment
23 indicating he or she is aware of the comment. However, the entry may be made if after reading the
24 instrument, the firefighter refuses to sign it. That fact shall be noted on that document and signed or
25 initialed by the firefighter.

26 320.514. A firefighter shall have thirty days to file a written response to any adverse
27 comment entered in his or her personnel file. The written response shall be attached to, and shall
28 accompany, the adverse comment.

29 320.516. 1. Every employer shall, at reasonable times and at reasonable intervals, upon the
30 request of a firefighter, during usual business hours, with no loss of compensation to the firefighter,
31 permit that firefighter to inspect personnel files that are used or have been used to determine that
32 firefighter's qualifications for employment, promotion, additional compensation, or termination or
33 other disciplinary action.

34 2. Each employer shall keep each firefighter's personnel file or a true and correct copy
35 thereof and shall make the file or copy thereof available within a reasonable period of time after a
36 request therefor by the firefighter.

37 3. If, after examination of the firefighter's personnel file, the firefighter believes that any
38 portion of the material is mistakenly or unlawfully placed in the file, the firefighter may request, in
39 writing, that the mistaken or unlawful portion be corrected or deleted. Any request made pursuant

1 to this subsection shall include a statement by the firefighter describing the corrections or deletions
2 from the personnel file requested and the reasons supporting those corrections or deletions. A
3 statement submitted pursuant to this subsection shall become part of the personnel file of the
4 firefighter.

5 4. Within thirty calendar days of receipt of a request made under subsection 3 of this
6 section, the employer shall either grant the firefighter's request or notify the officer of the decision to
7 refuse to grant the request. If the employer refuses to grant the request, in whole or in part, the
8 employer shall state in writing the reasons for refusing the request and that written statement shall
9 become part of the personnel file of the firefighter.

10 320.518. 1. A firefighter shall not be compelled to submit to a lie detector test against his or
11 her will.

12 2. Disciplinary action or other recrimination shall not be taken against a firefighter refusing
13 to submit to a lie detector test.

14 3. No comment shall be entered anywhere in the investigator's notes or anywhere else that
15 the firefighter refused to take, or did not take, a lie detector test.

16 4. Testimony or evidence to the effect that the firefighter refused to take, or was subjected
17 to, a lie detector test shall not be admissible at a subsequent hearing, trial, or proceeding, judicial or
18 administrative.

19 5. For purposes of this section, "lie detector" means a polygraph, deception graph, voice stress
20 analyzer, psychological stress evaluator, or any other similar device, whether mechanical or
21 electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic
22 opinion regarding the honesty or dishonesty of an individual.

23 320.520. A firefighter shall not be required or requested for purposes of job assignment or
24 other personnel action to disclose any item of his or her property, income, assets, source of income,
25 debts, or personal or domestic expenditures, including those of any member of his or her family or
26 household, unless that information is otherwise required to be furnished under state law or obtained
27 pursuant to court order.

28 320.522. A firefighter shall not have his or her locker searched, except in his or her presence
29 or with his or her consent, or unless a valid search warrant has been obtained or unless he or she has
30 been notified that a search will be conducted. This section shall apply only to lockers that are
31 owned or leased by the employing department or licensing or certifying agency.

32 320.524. 1. It shall be unlawful for any employing department or licensing or certifying
33 agency to deny or refuse to any firefighter the rights and protections guaranteed by sections 320.500
34 to 320.528.

35 2. The circuit court of the county of proper venue shall have initial jurisdiction over any
36 proceeding brought by any firefighter against any employing department or licensing or certifying
37 agency for alleged violations of sections 320.500 to 320.528.

38 3. (1) If the court finds that the employing department or licensing or certifying agency has
39 violated any of the provisions of sections 320.500 to 320.528, the court shall render appropriate

1 injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a
2 like or similar nature including, but not limited to, the granting of a temporary restraining order or
3 preliminary or permanent injunction prohibiting the employing department or licensing or certifying
4 agency from taking any punitive action against the firefighter.

5 (2) If the court finds that a bad faith or frivolous action or a filing for an improper purpose
6 has been brought under sections 320.500 to 320.528, the court may order sanctions against the party
7 filing the action, the party's attorney, or both, pursuant to the applicable Missouri rules of civil
8 procedure. Those sanctions may include, but not be limited to, reasonable expenses, including
9 attorney's fees, incurred by a fire department as the court deems appropriate.

10 (3) Nothing in this subsection is intended to subject actions or filings under this section to
11 rules or standards that are different from those applicable to other civil actions or filings subject to
12 the Missouri rules of civil procedure.

13 4. In addition to the extraordinary relief afforded under sections 320.500 to 320.528, upon a
14 finding by the court that a fire department, its employees, agents, or assigns, with respect to acts
15 taken within the scope of employment, maliciously violated any provision of sections 320.500 to
16 320.528 with the intent to injure the firefighter, the fire department shall, for each and every
17 violation, be liable for a civil penalty not to exceed twenty-five thousand dollars to be awarded to
18 the firefighter whose right or protection was denied and for reasonable attorney's fees as may be
19 determined by the court. If the court so finds, and there is sufficient evidence to establish actual
20 damages suffered by the firefighter whose right or protection was denied, the fire department shall
21 also be liable for the amount of the actual damages. Notwithstanding these provisions, a fire
22 department shall not be required to indemnify a contractor for the contractor's liability under this
23 subsection if there is, within the contract between the fire department and the contractor, a hold
24 harmless or similar provision that protects the fire department from liability for the actions of the
25 contractor. An individual shall not be liable for any act for which a fire department is liable under
26 this section.

27 320.526. Nothing in sections 320.500 to 320.528 shall in any way be construed to limit the
28 ability of any employment department, licensing or certifying agency, or any firefighter to fulfill
29 mutual aid agreements with other jurisdictions or agencies, and the provisions of sections 320.500 to
30 320.528 shall not be construed in any way to limit any jurisdictional or interagency cooperation
31 under any circumstances where that activity is deemed necessary or desirable by the jurisdictions or
32 agencies involved.

33 320.528. 1. The rights and protections described in sections 320.500 to 320.528 shall apply
34 only to a firefighter during events and circumstances involving the performance of his or her official
35 duties.

36 2. Notwithstanding any provision of law to the contrary, an employer shall provide legal
37 defense for any firefighter who, while acting in the normal course of his or her duties, is named as a
38 defendant in civil litigation relating to such duties."; and
39

- 1 Further amend said bill, Page"; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.
- 5
- 6 THIS AMENDMENT AMENDS AMENDMENT 0565H04.32H.