

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 495
103RD GENERAL ASSEMBLY

1623H.07C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 105.726, 300.100, 304.012, 556.061, 568.045, 569.170, 574.050, and 575.150, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, and to enact in lieu thereof twenty-two new sections relating to public safety, with penalty provisions.

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

Section A. Sections 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 105.726, 300.100, 304.012, 556.061, 568.045, 569.170, 574.050, and 575.150, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 44.087, 84.012, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.225, 84.325, 105.726, 300.100, 304.012, 304.022, 304.145, 556.061, 568.045, 569.170, 569.175, 574.050, 575.150, and 590.208, to read as follows:

44.087. 1. The chief law enforcement executive for any law enforcement agency, or such executive's designee, may request assistance from a law enforcement agency of another jurisdiction, including a jurisdiction outside the state of Missouri but within the United States.

2. If a law enforcement officer makes an arrest or apprehension outside such officer's jurisdiction, the offender shall be delivered to the first available law

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.

7 enforcement officer who is commissioned in the jurisdiction in which the arrest was
8 made. The officer making the initial arrest or apprehension shall assist in the
9 preparation of any affidavits filed with the complaint or based on other evidence that
10 there is probable cause to believe that both a crime has been committed and the
11 defendant has committed such crime.

12 3. For the purpose of liability, workers' compensation, and any other
13 employment-related matter, law enforcement officers remain employees of their
14 respective law enforcement agency throughout any request for assistance. Qualified
15 immunity, sovereign immunity, official immunity, and the public duty rule shall apply to
16 the provisions of this section as interpreted by the federal and state courts of the
17 responding agency.

18 4. Nothing in this section shall be construed to limit the actions of law
19 enforcement officers or agencies conducted in accordance with section 44.095 or 44.098,
20 or any other mutual aid agreement made under this chapter.

21 5. The provisions of chapter 544 are applicable to any law enforcement officers
22 from jurisdictions located outside the state of Missouri, but within the United States,
23 who are acting pursuant to a request made under this section.

84.012. In all cities of this state not within a county, the common council or
2 municipal assembly of such cities may pass ordinances for preserving order; securing
3 property and persons from violence, danger, or destruction; protecting public and
4 private property; and promoting the interests and ensuring the good governance of the
5 cities, but no ordinances heretofore passed, or that may hereafter be passed, by the
6 common council or municipal assembly of the cities shall, in any manner, conflict or
7 interfere with the powers or the exercise of the powers of the boards of police
8 commissioners of the cities as created by section 84.020, nor shall the cities or any
9 officer or agent of the corporation of the cities, or the mayor thereof, in any manner
10 impede, obstruct, hinder, or interfere with the boards of police, any officer, agent, or
11 servant thereof or thereunder.

84.020. 1. In all cities [~~of this state that now have, or may hereafter attain, a~~
2 ~~population of five hundred thousand inhabitants or over~~] **not within a county**, there shall be,
3 and is hereby established, within and for said cities, a board of police **commissioners**, to
4 consist of four **citizen** commissioners, as provided in sections 84.040 to 84.080, **to be the**
5 **governing body of the permanent police force pursuant to section 84.100**, together with
6 the mayor of said cities for the time being, or whosoever may be officially acting in that
7 capacity, and said board shall **annually** appoint one of its members as president, [~~and~~] one
8 member who shall act as vice president [~~during the absence of the president~~], **and one**

9 **member who shall act as board secretary**; and such president or vice president shall be the
10 executive officer of the board and shall act for it when the board is not in session.

11 **2. The board shall consist of five commissioners, one of whom is the mayor of a**
12 **city not within a county, one citizen commissioner appointed at the sole discretion of the**
13 **governor, and three citizen commissioners appointed as provided under subdivision (2)**
14 **of this subsection. Citizen commissioners shall be residents of the city for not less than**
15 **three years preceding their appointment. Except for the mayor, no commissioner shall**
16 **be nominated for or hold any other elective or appointed political office. If any citizen**
17 **commissioner is nominated for or elected to any elective or appointed political office,**
18 **such commissioner shall forfeit the appointment and shall immediately vacate his or her**
19 **office. The mayor of a city not within a county shall automatically be a member of the**
20 **board, while the remaining inaugural commissioners shall be appointed as follows:**

21 **(1) One citizen commissioner to be appointed at the sole discretion of the**
22 **governor; and**

23 **(2) The remaining three citizen commissioners shall be appointed by the**
24 **governor from three separate panels of candidates submitted to the governor, including**
25 **one candidate submitted by the mayor of a city not within a county and up to four**
26 **candidates submitted by the local fraternal organizations representing the rank of police**
27 **officer within the city not within a county. The number of candidates submitted by the**
28 **local fraternal organizations shall be based on one selection per two hundred fifty total**
29 **active members that they represent from the St. Louis Metropolitan Police Department,**
30 **not to exceed a total of three selections per organization.**

31 **3. Any member of the board may be removed for cause with the approval of a**
32 **majority of the other board members, but such member shall first be presented with a**
33 **written statement of the reasons for removal and shall have the opportunity for a**
34 **hearing by the board to establish cause for removal. The decision for removal of a**
35 **board member is final. However, the removed member may appeal their removal to the**
36 **twenty-second judicial circuit court.**

37 **4. A majority of the board shall constitute a quorum for the transaction of**
38 **business, but no action shall be taken by the board or deemed valid unless three**
39 **concurring votes are cast.**

40 **5. The board shall have the power to summon and compel the attendance of**
41 **witnesses before the board and to compel the production of documents and other**
42 **evidence, whenever necessary in the discharge of its duties, and shall have the power to**
43 **administer oaths or affirmations to any person appearing or called before it.**

44 **6. The board shall have the following powers and duties:**

45 **(1) To receive input from the chief of police, in order to formulate and approve**
46 **policies governing the operation and conduct of the permanent police force pursuant to**
47 **section 84.100;**

48 **(2) To appoint as a chief of police any person who shall be responsible to the**
49 **board for proper execution of the policies, duties, and responsibilities established by the**
50 **board for the administration of the police department, and to remove the chief pursuant**
51 **to section 106.273;**

52 **(3) To hear and determine appeals from the decisions of the chief of police on**
53 **disciplinary matters arising with the department, pursuant to section 590.502; however,**
54 **at the time of the effective date of this act and until such time as the board adopts other**
55 **investigative and disciplinary policies and procedures not inconsistent with section**
56 **590.502, discipline and investigative procedures for commissioned and civilian**
57 **employees of the police force shall be regulated by rule 7 of the police manual of the**
58 **police department in effect as of November 4, 2013; except that, where rule 7 is in**
59 **conflict with section 590.502, the board shall comply with the requirements of section**
60 **590.502. Under no circumstances shall the board initially or hereafter adopt**
61 **investigative and disciplinary procedures that do not include the summary hearing**
62 **board procedures provided for in rule 7 of the police manual of the police department in**
63 **effect as of November 4, 2013;**

64 **(4) To promulgate a manual of rules and regulations for the qualifications and**
65 **conduct of personnel of the police department and its operation;**

66 **(5) To have such other powers and duties with respect to police administration**
67 **and law enforcement as provided by statute;**

68 **(6) To regulate and license all private watchmen, private detectives, and private**
69 **police serving or acting in the city and no person shall act as such without first having**
70 **obtained such license. Penalties for the violation of regulations promulgated by the**
71 **board under this subsection shall be prescribed by ordinance.**

84.030. 1. Beginning on ~~[January 9, 1989, the governor of the state of Missouri, by~~
2 ~~and with the advice and consent of the senate, shall appoint the four commissioners provided~~
3 ~~for in section 84.020, and one commissioner shall be appointed for a term of one year; one~~
4 ~~commissioner shall be appointed for a term of two years; one commissioner shall be~~
5 ~~appointed for a term of three years; one commissioner shall be appointed for a term of four~~
6 ~~years]~~ **August 28, 2025, and no later than September 28, 2025, the four citizen**
7 **commissioners shall be appointed as provided under section 84.020 and shall serve as**
8 **follows:**

9 **(1) One citizen commissioner appointed by the governor shall serve for a term of**
10 **one year; and**

11 **(2) Of the three remaining citizen commissioners selected by the governor, one**
12 **shall serve for a term of two years, one shall serve for a term of three years, and one**
13 **shall serve for a term of four years.**

14

15 Their successors shall each be appointed for a term of four years, and said commissioners
16 shall hold office for their term of appointment and until their successors shall have been
17 appointed and qualified. ~~[In case of a vacancy in said board for any cause whatsoever, it shall~~
18 ~~be filled by appointment for the unexpired term, in the same manner as in the case of original~~
19 ~~appointments. The governor shall issue commissions to the persons so appointed, designating~~
20 ~~the time for which they are appointed in case the appointment is to fill an unexpired term~~
21 ~~occasioned by death, resignation or any other cause, and whenever the term of office of any~~
22 ~~commissioner expires, the appointment of his successor shall be for four years. The~~
23 ~~commissioners now holding offices under existing laws in any city of this state to which~~
24 ~~sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and~~
25 ~~their successors are duly appointed and qualified.]~~

26 **2. With the exception of the citizen commissioner appointed at the sole discretion**
27 **of the governor, whenever a vacancy occurs on the commission the governor shall fill the**
28 **vacancy for the unexpired term from a panel of names determined by the formula**
29 **established under subsection 2 of section 84.020.**

84.100. To enable the boards to perform the duties imposed upon them, they are
2 hereby authorized and required to appoint, enroll and employ ~~[a]~~ **only one** permanent police
3 force for the cities which they shall equip and arm as they may judge necessary. Except as
4 provided below, the number of patrolmen to be appointed shall not be ~~[more]~~ **less** than one
5 thousand ~~[six]~~ **three** hundred ~~[eighty-three]~~ **thirteen**, of which number not more than two
6 hundred fifty are to be probationary patrolmen. Any increase in the number of patrolmen
7 authorized, in addition to that provided for above, shall be permitted upon recommendation
8 by the board of police commissioners, with the approval of the municipal board of estimate
9 and apportionment. ~~[The number of turnkeys to be appointed shall be sixty-five, except that~~
10 ~~for each patrolman hereafter promoted, demoted, removed, resigned or otherwise separated~~
11 ~~from the force, an additional turnkey may be appointed, but under no circumstances shall~~
12 ~~more than one hundred fifty turnkeys be appointed. As each additional turnkey is appointed,~~
13 ~~the maximum number of patrolmen to be appointed shall be reduced accordingly so that when~~
14 ~~one hundred fifty turnkeys have been appointed, the number of patrolmen to be appointed~~
15 ~~shall not be more than one thousand five hundred ninety-eight.]~~ **The board may continue to**
16 **employ as many noncommissioned police civilians, which shall include city marshals**
17 **and park rangers, as it deems necessary in order to perform the duties imposed upon it.**

84.150. The **maximum number of** officers of the police force in each such city shall
2 be as follows: [~~one chief of police with the rank of colonel; lieutenant colonels, not to exceed~~
3 ~~five in number and other such ranks and number of members within such ranks as the board~~
4 ~~from time to time deems necessary]~~ **seventy-six commissioned officers at the rank of**
5 **lieutenant and above; two hundred commissioned officers at the rank of sergeant; and**
6 **one thousand thirty-seven commissioned officers at the rank of patrolman.** The officers
7 of the police force shall have commissions issued to them by the boards of police
8 commissioners, and those heretofore and those hereafter commissioned shall serve so long as
9 they shall faithfully perform their duties and possess the necessary mental and physical
10 ability, and be subject to removal only for cause after a hearing by the board, who are hereby
11 invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [~~2006~~] **2025**, the board of police commissioners shall
2 have the authority to compute and establish the annual salary of each member of the police
3 force, without receiving prior authorization from the general assembly, **which shall not be**
4 **less than the annual salary paid to any member at the time of the enactment of this act.**

2. Each officer of police and patrolman whose regular assignment requires
6 nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed
7 three hundred sixty dollars per annum payable biweekly. Notwithstanding the provisions of
8 subsection 1 of this section to the contrary, no additional compensation or compensatory time
9 off for overtime, court time, or standby court time shall be paid or allowed to any officer of
10 the rank of [~~sergeant~~] **lieutenant** or above. Notwithstanding any other provision of law to the
11 contrary, nothing in this section shall prohibit the payment of additional compensation
12 pursuant to this subsection to officers of the ranks of sergeants and above, provided that
13 funding for such compensation shall not:

14 (1) Be paid from the general funds of either the city or the board of police
15 commissioners of the city; or

16 (2) Be violative of any federal law or other state law.

17 3. It is the duty of the municipal assembly or common council of the cities to make
18 the necessary appropriation for the expenses of the maintenance of the police force in the
19 manner herein and hereafter provided; provided, that in no event shall such municipal
20 assembly or common council be required to appropriate for such purposes (including, but not
21 limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of
22 any limitation imposed by article X, section 21, Missouri Constitution; and provided further,
23 that such municipal assembly or common council may appropriate a sum in excess of such
24 limitation for any fiscal year by an appropriations ordinance enacted in conformity with the
25 provisions of the charter of such cities.

26 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
27 board of police commissioners shall pay additional compensation for all hours of service
28 rendered by probationary patrolmen [~~and~~], patrolmen, **and sergeants** in excess of the
29 established regular working period, and the rate of compensation shall be one and one-half
30 times the regular hourly rate of pay to which each member shall normally be entitled; except
31 that, the court time and court standby time shall be paid at the regular hourly rate of pay to
32 which each member shall normally be entitled. No credit shall be given or deductions made
33 from payments for overtime for the purpose of retirement benefits.

34 5. Notwithstanding the provisions of subsection 1 of this section to the contrary,
35 probationary patrolmen [~~and~~], patrolmen, **and sergeants** shall receive additional
36 compensation for authorized overtime, court time and court standby time whenever the
37 total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as
38 compensatory time off at the officer's discretion with the approval of his supervisor.

39 6. The allowance of compensation or compensatory time off for court standby time
40 shall be computed at the rate of one-third of one hour for each hour spent on court standby
41 time.

42 7. The board of police commissioners [~~may~~] **shall** effect programs to provide
43 additional compensation to its employees for successful completion of academic work at an
44 accredited college or university, in amounts not to exceed ten percent of their yearly salaries
45 or for field training officer and lead officer responsibilities in amounts not to exceed three
46 percent of their yearly salaries for field training officer responsibilities and an additional three
47 percent of their yearly salaries for lead officer responsibilities. The board may designate up
48 to one hundred fifty employees as field training officers and up to fifty employees as lead
49 officers.

50 8. The board of police commissioners:

51 (1) Shall provide or contract for life insurance coverage and for insurance benefits
52 providing health, medical and disability coverage for officers and employees of the
53 department;

54 (2) Shall provide or contract for insurance coverage providing salary continuation
55 coverage for officers and employees of the police department;

56 (3) Shall provide health, medical, and life insurance coverage for retired officers and
57 employees of the police department. Health, medical and life insurance coverage shall be
58 made available for purchase to the spouses or dependents of deceased retired officers and
59 employees of the police department who receive pension benefits pursuant to sections 86.200
60 to 86.364 at the rate that such dependent's or spouse's coverage would cost under the
61 appropriate plan if the deceased were living;

62 (4) May pay an additional shift differential compensation to members of the police
63 force for evening and night tour of duty in an amount not to exceed ten percent of the officer's
64 base hourly rate.

65 9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
66 board of police commissioners shall pay additional compensation to members of the police
67 force up to and including the rank of police officer for any full hour worked between the
68 hours of 11:00 p.m. and 7:00 a.m., in amounts equal to ~~five~~ ten percent of the officer's base
69 hourly pay.

70 10. The board of police commissioners, from time to time and in its discretion, may
71 pay additional compensation to police officers, sergeants and lieutenants by paying
72 commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any
73 such payments shall be made in increments of not less than forty hours, and at rates
74 equivalent to the base straight-time rates being earned by said officers at the time of payment;
75 except that, no such officer shall be required to accept payment for accumulated unused
76 vacation time.

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be
2 filled from the next lowest grade; provided, however, that probationary patrolmen shall serve
3 at least six months as such before being promoted to the rank of patrolman; patrolmen shall
4 serve at least three years as such before being promoted to the rank of sergeant; sergeants
5 shall serve at least one year as such before being promoted to the rank of lieutenant;
6 lieutenants shall serve at least one year as such before being promoted to the rank of captain;
7 and in no case shall the chief or assistant chief be selected from men not members of the force
8 or below the grade of captain. Patrolmen shall serve at least three years as such before
9 promotion to the rank of detective; the inspector shall be taken from men in the rank not
10 below the grade of lieutenant.

11 2. The boards of police are hereby authorized to make all such rules and regulations,
12 not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge
13 necessary, for the appointment, employment, uniforming, discipline, trial and government of
14 the police. **At the time of the effective date of this act and until such time as the board**
15 **adopts other investigative and disciplinary policies and procedures not inconsistent with**
16 **section 590.502, discipline and investigative procedures for commissioned and civilian**
17 **employees of the police force shall be regulated by rule 7 of the police manual of the**
18 **police department in effect as of November 4, 2013; except that, where rule 7 is in**
19 **conflict with section 590.502, the board shall comply with the requirements of section**
20 **590.502. Under no circumstances shall the board initially or hereafter adopt**
21 **investigative and disciplinary procedures that do not include the summary hearing**
22 **board procedures provided for in rule 7 of the police manual of the police department in**

23 **effect as of November 4, 2013.** The said boards shall also have power to require of any
24 officer or policeman bond with sureties when they may consider it demanded by the public
25 interests. All lawful rules and regulations of the board shall be obeyed by the police force on
26 pain of dismissal or such lighter punishment, either by suspension, fine, reduction or
27 forfeiture of pay, or otherwise as the boards may adjudge.

28 3. The authority possessed by the board of police includes, but is not limited to, the
29 authority to delegate portions of its powers authorized in section 84.120, including presiding
30 over a disciplinary hearing, to a hearing officer as determined by the board.

**84.225. Any officer or servant of the mayor or common council or municipal
2 assembly of the cities, or other persons whatsoever, who forcibly resists or obstructs the
3 execution or enforcement of any of the provisions of sections 84.012 to 84.340 or relating
4 to the same, or who disburses or fails to disburse any money in violation thereof, or who
5 hinders or obstructs the organization or maintenance of the board of police or the police
6 force therein provided to be organized and maintained, or who maintains or controls
7 any police force other than the one therein provided for, or who delays or hinders the
8 due enforcement of sections 84.012 to 84.340 by failing or neglecting to perform the
9 duties by such sections imposed upon him or her, shall be subject to a penalty of one
10 thousand dollars for each offense, recoverable by the boards by action at law in the
11 name of the state, and shall forever thereafter be disqualified from holding or exercising
12 any office or employment whatsoever under the mayor or common council or municipal
13 assembly of such cities, or under sections 84.012 to 84.340, provided that nothing in this
14 section shall be construed to interfere with the punishment, under any existing or any
15 future laws of this state, of any criminal offense that is committed by the parties in or
16 about the resistance, obstruction, hindrance, conspiracy, combination, or disbursement
17 aforesaid.**

**84.325. 1. On August 28, 2025, the board of police commissioners shall assume
2 control of any municipal police force established within any city not within a county,
3 according to the procedures and requirements of this section and any rules promulgated
4 under subsection 6 of this section. The purpose of these procedures and requirements is
5 to provide for an orderly and appropriate transition in the governance of the police
6 force and provide for an equitable employment transition for commissioned and civilian
7 personnel.**

8 **2. Upon the assumption of control by the board of police commissioners under
9 subsection 1 of this section, any municipal police department within any city not within
10 a county shall convey, assign, and otherwise transfer to the board title and ownership of
11 all indebtedness and assets, including, but not limited to, all funds and real and personal**

12 property held in the name of or controlled by the municipal police department. Such
13 city shall thereafter cease the operation of any police department or police force.

14 3. Upon the assumption of control by the board of police commissioners under
15 subsection 1 of this section, the state shall accept responsibility, ownership, and liability
16 as successor-in-interest for contractual obligations and other lawful obligations of the
17 municipal police department.

18 4. The board of police commissioners shall initially employ, without a reduction
19 in rank, salary, or benefits, all commissioned and civilian personnel of the municipal
20 police department who were employed by the municipal police department immediately
21 prior to the date the board assumed control. The board shall recognize all accrued
22 years of service that such commissioned and civilian personnel had with the municipal
23 police department, as well as all accrued years of service that such commissioned and
24 civilian personnel had previously with the board of police commissioners. Such
25 personnel shall be entitled to the same holidays, vacation, sick leave, sick bonus time,
26 and annual step-increases they were entitled to as employees of the municipal police
27 department.

28 5. The commissioned and civilian personnel who retire from service with the
29 municipal police department before the board of police commissioners assumed control
30 of the department under subsection 1 of this section shall continue to be entitled to the
31 same pension benefits provided as employees of the municipal police department and
32 the same benefits set forth in subsection 4 of this section. Any police pension system
33 created under chapter 86 for the benefit of a police force established under sections
34 84.012 to 84.340 shall continue to be governed by chapter 86 and shall apply to any
35 comprehensive policing plan and any police force established under sections 84.012 to
36 84.340. Other than any provision that makes chapter 86 applicable to a municipal
37 police force established under sections 84.343 to 84.346, nothing in sections 84.012 to
38 84.340 shall be construed as limiting or changing the rights or benefits provided under
39 chapter 86.

40 6. The board of police commissioners may promulgate all necessary rules and
41 regulations for the implementation and administration of this section. Any rule or
42 portion of a rule, as that term is defined in section 536.010, that is created under the
43 authority delegated in this section shall become effective only if it complies with and is
44 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
45 section and chapter 536 are nonseverable and if any of the powers vested with the
46 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
47 disapprove and annul a rule are subsequently held unconstitutional, then the grant of

48 **rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be**
49 **invalid and void.**

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the
2 liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to
3 abolish or waive any defense at law which might otherwise be available to any agency,
4 officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the
5 sovereign immunity of the state of Missouri.

6 2. The creation of the state legal expense fund and the payment therefrom of such
7 amounts as may be necessary for the benefit of any person covered thereby are deemed
8 necessary and proper public purposes for which funds of this state may be expended.

9 3. Moneys in the state legal expense fund shall not be available for the payment of
10 any claim or any amount required by any final judgment rendered by a court of competent
11 jurisdiction against a board of police commissioners established under chapter 84, including
12 the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other
13 provisions of law, other employees, agents, representative, or any other individual or entity
14 acting or purporting to act on its or their behalf. Such was the intent of the general assembly
15 in the original enactment of sections 105.711 to 105.726, and it is made express by this
16 section in light of the decision in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d
17 275. Except that the commissioner of administration shall reimburse from the legal expense
18 fund the board of police commissioners established under ~~[section 84.350, and any successor~~
19 ~~in interest established pursuant to section 84.344,]~~ **chapter 84** for liability claims otherwise
20 eligible for payment under section 105.711 paid by such ~~[board]~~ **boards on an equal share**
21 **basis per claim** up to a maximum of one million dollars per fiscal year.

22 4. ~~[Subject to the provisions of subsection 2 of section 84.345,]~~ If the representation
23 of the attorney general is requested by a board of police commissioners ~~[or its successor in~~
24 ~~interest established pursuant to section 84.344,]~~ the attorney general shall represent,
25 investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726
26 for the board of police commissioners, ~~[its successor in interest pursuant to section 84.344,]~~
27 any police officer, other employees, agents, representatives, or any other individual or entity
28 acting or purporting to act on their behalf. The attorney general may establish procedures by
29 rules promulgated under chapter 536 under which claims must be referred for the attorney
30 general's representation. The attorney general and the officials of the city which the police
31 board represents ~~[or represented]~~ shall meet and negotiate reasonable expenses or charges that
32 will fairly compensate the attorney general and the office of administration for the cost of the
33 representation of the claims under this section.

34 5. Claims tendered to the attorney general promptly after the claim was asserted as
35 required by section 105.716 and prior to August 28, 2005, may be investigated, defended,

36 negotiated, or compromised by the attorney general and full payments may be made from the
37 state legal expense fund on behalf of the entities and individuals described in this section as a
38 result of the holding in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275.

2 300.100. 1. The driver of an authorized emergency vehicle, when responding to an
2 emergency call or when in the pursuit of an actual or suspected violator of the law or when
3 responding to but not upon returning from a fire alarm, may exercise the privileges set forth in
4 this section, but subject to the conditions herein stated.

5 2. The driver of an authorized emergency vehicle may:

6 (1) Park or stand, irrespective of the provisions of this ordinance;

7 (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may
8 be necessary for safe operation;

9 (3) Exceed the maximum speed limits so long as he does not endanger life or
10 property;

11 (4) Disregard regulations governing direction of movement or turning in specified
12 directions.

13 3. The exemptions herein granted to an authorized emergency vehicle shall apply
14 only when the driver of any said vehicle while in motion sounds audible signal by siren or
15 while having at least one lighted lamp exhibiting a red light visible under normal atmospheric
16 conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue
17 light authorized by section 307.175, **except that an authorized emergency vehicle operated**
18 **as a police vehicle is not required to use an audible signal or display a visual signal when**
19 **the vehicle is being used to:**

20 (1) **Obtain evidence of a speeding violation on a maintained federal or state**
21 **highway and where the speed limit is set by state statute;**

22 (2) **Respond to a suspected crime in progress when use of an audible or visual**
23 **signal, or both, could reasonably result in the destruction of evidence or escape of a**
24 **suspect; or**

25 (3) **Conduct surveillance of a vehicle or the passengers of a vehicle who are**
26 **suspected of involvement in a crime.**

27 4. The foregoing provisions shall not relieve the driver of an authorized emergency
28 vehicle from the duty to drive with due regard for the safety of all persons, nor shall such
29 provisions protect the driver from the consequences of his reckless disregard for the safety of
30 others.

304.012. 1. Every person operating a motor vehicle on the roads and highways of this
2 state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to
3 endanger the property of another or the life or limb of any person and shall exercise the
4 highest degree of care.

5 2. **No person operating a motor vehicle on the roads and highways of this state**
6 **shall perform stunt driving, as such term is defined in section 304.145.**

7 3. Any person who violates the provisions of this section is guilty of a class B
8 misdemeanor, unless an accident is involved then it shall be a class A misdemeanor.

2 ~~[304.022. 1. Upon the immediate approach of an emergency vehicle~~
3 ~~giving audible signal by siren or while having at least one lighted lamp~~
4 ~~exhibiting red light visible under normal atmospheric conditions from a~~
5 ~~distance of five hundred feet to the front of such vehicle or a flashing blue light~~
6 ~~authorized by section 307.175, the driver of every other vehicle shall yield the~~
7 ~~right of way and shall immediately drive to a position parallel to, and as far as~~
8 ~~possible to the right of, the traveled portion of the highway and thereupon stop~~
9 ~~and remain in such position until such emergency vehicle has passed, except~~
10 ~~when otherwise directed by a police or traffic officer.~~

11 ~~2. Upon approaching a stationary vehicle displaying lighted red or red~~
12 ~~and blue lights, or a stationary vehicle displaying lighted amber or amber and~~
13 ~~white lights, the driver of every motor vehicle shall:~~

14 ~~(1) Proceed with caution and yield the right of way, if possible with~~
15 ~~due regard to safety and traffic conditions, by making a lane change into a lane~~
16 ~~not adjacent to that of the stationary vehicle, if on a roadway having at least~~
17 ~~four lanes with not less than two lanes proceeding in the same direction as the~~
18 ~~approaching vehicle; or~~

19 ~~(2) Proceed with due caution and reduce the speed of the vehicle,~~
20 ~~maintaining a safe speed for road conditions, if changing lanes would be~~
21 ~~unsafe or impossible.~~

22 ~~3. The motorman of every streetcar shall immediately stop such car~~
23 ~~clear of any intersection and keep it in such position until the emergency~~
24 ~~vehicle has passed, except as otherwise directed by a police or traffic officer.~~

25 ~~4. An "emergency vehicle" is a vehicle of any of the following types:~~

26 ~~(1) A vehicle operated by the state highway patrol, the state water~~
27 ~~patrol, the Missouri capitol police, a conservation agent, or a state or a county~~
28 ~~or municipal park ranger, those vehicles operated by enforcement personnel of~~
29 ~~the state highways and transportation commission, police or fire department,~~
30 ~~sheriff, constable or deputy sheriff, federal law enforcement officer authorized~~
31 ~~to carry firearms and to make arrests for violations of the laws of the United~~
32 ~~States, traffic officer, coroner, medical examiner, or forensic investigator of the~~
33 ~~county medical examiner's office, or by a privately owned emergency vehicle~~
34 ~~company;~~

35 ~~(2) A vehicle operated as an ambulance or operated commercially for~~
36 ~~the purpose of transporting emergency medical supplies or organs;~~

37 ~~(3) Any vehicle qualifying as an emergency vehicle pursuant to~~
38 ~~section 307.175;~~

39 ~~(4) Any wrecker, or tow truck or a vehicle owned and operated by a~~
40 ~~public utility or public service corporation while performing emergency~~
41 ~~service;~~

42 ~~(5) Any vehicle transporting equipment designed to extricate human~~
~~beings from the wreckage of a motor vehicle;~~

43 ~~(6) Any vehicle designated to perform emergency functions for a civil~~
44 ~~defense or emergency management agency established pursuant to the~~
45 ~~provisions of chapter 44;~~

46 ~~(7) Any vehicle operated by an authorized employee of the department~~
47 ~~of corrections who, as part of the employee's official duties, is responding to a~~
48 ~~riot, disturbance, hostage incident, escape or other critical situation where~~
49 ~~there is the threat of serious physical injury or death, responding to mutual aid~~
50 ~~call from another criminal justice agency, or in accompanying an ambulance~~
51 ~~which is transporting an offender to a medical facility;~~

52 ~~(8) Any vehicle designated to perform hazardous substance emergency~~
53 ~~functions established pursuant to the provisions of sections 260.500 to~~
54 ~~260.550;~~

55 ~~(9) Any vehicle owned by the state highways and transportation~~
56 ~~commission and operated by an authorized employee of the department of~~
57 ~~transportation that is marked as a department of transportation emergency~~
58 ~~response or motorist assistance vehicle; or~~

59 ~~(10) Any vehicle owned and operated by the civil support team of the~~
60 ~~Missouri National Guard while in response to or during operations involving~~
61 ~~chemical, biological, or radioactive materials or in support of official requests~~
62 ~~from the state of Missouri involving unknown substances, hazardous~~
63 ~~materials, or as may be requested by the appropriate state agency acting on~~
64 ~~behalf of the governor.~~

65 ~~5. (1) The driver of any vehicle referred to in subsection 4 of this~~
66 ~~section shall not sound the siren thereon or have the front red lights or blue~~
67 ~~lights on except when such vehicle is responding to an emergency call or when~~
68 ~~in pursuit of an actual or suspected law violator, or when responding to, but~~
69 ~~not upon returning from, a fire.~~

70 ~~(2) The driver of an emergency vehicle may:~~

71 ~~(a) Park or stand irrespective of the provisions of sections 304.014 to~~
72 ~~304.025;~~

73 ~~(b) Proceed past a red or stop signal or stop sign, but only after~~
74 ~~slowing down as may be necessary for safe operation;~~

75 ~~(c) Exceed the prima facie speed limit so long as the driver does not~~
76 ~~endanger life or property;~~

77 ~~(d) Disregard regulations governing direction of movement or turning~~
78 ~~in specified directions.~~

79 ~~(3) The exemptions granted to an emergency vehicle pursuant to~~
80 ~~subdivision (2) of this subsection shall apply only when the driver of any such~~
81 ~~vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle~~
82 ~~as may be reasonably necessary, and when the vehicle is equipped with at least~~
83 ~~one lighted lamp displaying a red light or blue light visible under normal~~
84 ~~atmospheric conditions from a distance of five hundred feet to the front of~~
85 ~~such vehicle.~~

86 ~~6. No person shall purchase an emergency light as described in this~~
87 ~~section without furnishing the seller of such light an affidavit stating that the~~
88 ~~light will be used exclusively for emergency vehicle purposes.~~

89 ~~7. Violation of this section shall be deemed a class A misdemeanor.]~~

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible
2 signal by siren or while having at least one lighted lamp exhibiting red light visible under
3 normal atmospheric conditions from a distance of five hundred feet to the front of such
4 vehicle or a flashing blue light authorized by section 307.175, the driver of every other
5 vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and
6 as far as possible to the right of, the traveled portion of the highway and thereupon stop and
7 remain in such position until such emergency vehicle has passed, except when otherwise
8 directed by a police or traffic officer.

9 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights,
10 or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every
11 motor vehicle shall:

12 (1) Proceed with caution and yield the right-of-way, if possible with due regard to
13 safety and traffic conditions, by making a lane change into a lane not adjacent to that of the
14 stationary vehicle, if on a roadway having at least four lanes with not less than two lanes
15 proceeding in the same direction as the approaching vehicle; or

16 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe
17 speed for road conditions, if changing lanes would be unsafe or impossible.

18 3. The motorman of every streetcar shall immediately stop such car clear of any
19 intersection and keep it in such position until the emergency vehicle has passed, except as
20 otherwise directed by a police or traffic officer.

21 4. An "emergency vehicle" is a vehicle of any of the following types:

22 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri
23 capitol police, a conservation agent, or a state **or a county or municipal** park ranger, those
24 vehicles operated by enforcement personnel of the state highways and transportation
25 commission, police or fire department, sheriff, constable or deputy sheriff, federal law
26 enforcement officer authorized to carry firearms and to make arrests for violations of the laws
27 of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the
28 county medical examiner's office, or by a privately owned emergency vehicle company;

29 (2) A vehicle operated as an ambulance or operated commercially for the purpose of
30 transporting emergency medical supplies or organs;

31 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

32 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or
33 public service corporation while performing emergency service;

34 (5) Any vehicle transporting equipment designed to extricate human beings from the
35 wreckage of a motor vehicle;

36 (6) Any vehicle designated to perform emergency functions for a civil defense or
37 emergency management agency established pursuant to the provisions of chapter 44;

38 (7) Any vehicle operated by an authorized employee of the department of corrections
39 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage
40 incident, escape or other critical situation where there is the threat of serious physical injury
41 or death, responding to mutual aid call from another criminal justice agency, or in
42 accompanying an ambulance which is transporting an offender to a medical facility;

43 (8) Any vehicle designated to perform hazardous substance emergency functions
44 established pursuant to the provisions of sections 260.500 to 260.550;

45 (9) Any vehicle owned by the state highways and transportation commission and
46 operated by an authorized employee of the department of transportation that is marked as a
47 department of transportation emergency response or motorist assistance vehicle; or

48 (10) Any vehicle owned and operated by the civil support team of the Missouri
49 National Guard while in response to or during operations involving chemical, biological, or
50 radioactive materials or in support of official requests from the state of Missouri involving
51 unknown substances, hazardous materials, or as may be requested by the appropriate state
52 agency acting on behalf of the governor.

53 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not
54 sound the siren thereon or have the front red lights or blue lights on except when such vehicle
55 is responding to an emergency call or when in pursuit of an actual or suspected law violator,
56 or when responding to, but not upon returning from, a fire.

57 (2) The driver of an emergency vehicle may:

58 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

59 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may
60 be necessary for safe operation;

61 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or
62 property;

63 (d) Disregard regulations governing direction of movement or turning in specified
64 directions.

65 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of
66 this subsection shall apply only when the driver of any such vehicle while in motion sounds
67 audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the
68 vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible
69 under normal atmospheric conditions from a distance of five hundred feet to the front of such
70 vehicle, **except that an authorized emergency vehicle operated as a police vehicle is not**
71 **required to use an audible signal or display a visual signal when the vehicle is being used**
72 **to:**

73 (a) **Obtain evidence of a speeding violation on a maintained federal or state**
74 **highway and where the speed limit is set by state statute;**

75 **(b) Respond to a suspected crime in progress when use of an audible or visual**
76 **signal, or both, could reasonably result in the destruction of evidence or escape of a**
77 **suspect; or**

78 **(c) Conduct surveillance of a vehicle or the passengers of a vehicle who are**
79 **suspected of involvement in a crime.**

80 6. No person shall purchase an emergency light as described in this section without
81 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
82 emergency vehicle purposes.

83 7. Violation of this section shall be deemed a class A misdemeanor.

304.145. 1. As used in this section, the following terms mean:

2 **(1) "Aggravated offender", a person who has been found guilty of:**

3 **(a) Three or more violations of this section committed on separate occasions; or**

4 **(b) Two or more violations of this section committed on separate occasions**
5 **wherein at least one of the violations the defendant was operating a vehicle and another**
6 **person was injured or killed;**

7 **(2) "Burnout", a maneuver performed while operating a motor vehicle whereby**
8 **the wheels of the motor vehicle are spun, resulting in friction causing the motor vehicle's**
9 **tires to heat up and emit smoke;**

10 **(3) "Chronic offender", a person who has been found guilty of:**

11 **(a) Four or more violations of this section committed on separate occasions; or**

12 **(b) Three or more violations of this section committed on separate occasions**
13 **wherein at least one of the violations the defendant was operating a vehicle and another**
14 **person was injured or killed; or**

15 **(c) Two or more violations of this section committed on separate occasions**
16 **wherein both of the violations the defendant was operating a vehicle and another person**
17 **was injured or killed;**

18 **(4) "Donut", a motor vehicle maneuver in which the front or rear of the motor**
19 **vehicle is rotated around the opposite set of wheels in a motion that may cause a curved**
20 **skid-mark pattern of rubber on the driving surface, or the tires to heat up and emit**
21 **smoke, or both;**

22 **(5) "Drag race", the operation of two or more motor vehicles from a point side**
23 **by side in a competitive attempt to outgain or outdistance each other, or the operation of**
24 **one or more motor vehicles over a common selected course, for the purpose of**
25 **comparing the relative speeds, power, or acceleration of such motor vehicles within a**
26 **certain distance or time limit;**

27 **(6) "Drifting", a motor vehicle maneuver in which the motor vehicle is steered so**
28 **that it makes a controlled skid sideways through a turn with the front wheels oriented in**
29 **a direction opposite the turn;**

30 **(7) "Habitual offender", a person who has been found guilty of:**

31 **(a) Five or more violations of this section committed on separate occasions; or**

32 **(b) Four or more violations of this section committed on separate occasions**
33 **wherein at least one of the violations the defendant was operating a vehicle and another**
34 **person was injured or killed; or**

35 **(c) Three or more violations of this section committed on separate occasions**
36 **wherein at least two of the violations the defendant was operating a vehicle and another**
37 **person was injured or killed;**

38 **(8) "Highway", any public thoroughfare for vehicles, including state roads,**
39 **county roads and public streets, avenues, boulevards, parkways, or alleys in any**
40 **municipality;**

41 **(9) "Persistent offender", a person who has been found guilty of:**

42 **(a) Two or more violations of this section committed on separate occasions; or**

43 **(b) One violation of this section where the defendant was operating a vehicle and**
44 **another person was injured or killed;**

45 **(10) "Prior offender", a person who has been found guilty of a violation of this**
46 **section where such prior offense occurred within five years of the violation for which the**
47 **person is charged;**

48 **(11) "Race", the operation of one or more motor vehicles arising from a**
49 **challenge to demonstrate superiority of a motor vehicle or driver, and the acceptance of**
50 **or competitive response to that challenge, either through a prior arrangement or in**
51 **immediate response, in which the competitor attempts to outgain or outdistance another**
52 **motor vehicle, to prevent another motor vehicle from passing, to arrive at a given**
53 **destination ahead of another motor vehicle, to test the physical stamina or endurance of**
54 **drivers, to exhibit speed or acceleration, or to set a speed or acceleration record;**

55 **(12) "Street takeover", the act of disrupting the regular flow of traffic for the**
56 **purpose of performing, facilitating, or spectating stunt driving;**

57 **(13) "Stunt driving", to operate a motor vehicle performing a race, a drag race,**
58 **a burnout, a donut, a wheelie, or drifting;**

59 **(14) "Wheelie", a motor vehicle maneuver whereby a vehicle is ridden for a**
60 **distance with the front or rear wheel or wheels raised off the ground.**

61 **2. Except as otherwise permitted by law, no person shall:**

62 **(1) Perform stunt driving in connection with a street takeover; or**

63 **(2) Perform or participate in a street takeover.**

64 **3. Violation of this section shall be a class A misdemeanor for a first offense, a**
65 **class E felony for a second offense, and a class D felony for a third or subsequent**
66 **offense.**

67 **4. No defendant alleged and proven to be a prior offender, persistent offender,**
68 **aggravated offender, chronic offender, or habitual offender shall be granted a suspended**
69 **imposition of sentence or be sentenced to pay a fine in lieu of imprisonment.**

70 **5. No defendant alleged and proven to be a prior offender shall be granted**
71 **probation or parole until he or she has served a minimum of ten days of imprisonment,**
72 **unless as a condition of such probation or parole the person performs at least thirty days**
73 **of community service under the supervision of the court in a jurisdiction that has a**
74 **recognized program for community service.**

75 **6. No defendant alleged and proven to be an aggravated offender shall be eligible**
76 **for probation or parole until he or she has served a minimum of thirty days of**
77 **imprisonment.**

78 **7. No defendant alleged and proven to be a chronic or habitual offender shall be**
79 **eligible for probation or parole until he or she has served a minimum of one year of**
80 **imprisonment.**

81 **8. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven**
82 **in the same manner as required by section 558.021.**

83 **9. This section shall not apply to events sanctioned by a political subdivision or**
84 **private entity with responsibility for maintenance and control of the portion of highway**
85 **or private property on which the motor vehicle operation occurs.**

556.061. In this code, unless the context requires a different definition, the following
2 terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data
4 from, or otherwise make any use of any resources of, a computer, computer system, or
5 computer network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
10 persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless supported by
13 evidence; and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue
15 requires a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who develops
17 exposed photographic film into negatives, slides or prints, or who makes prints from
18 negatives or slides, for compensation. The term commercial film and photographic print
19 processor shall include all employees of such persons but shall not include a person who
20 develops film or makes prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with
22 any internal storage devices, such as internal hard drives, and internal communication
23 devices, such as internal modems capable of sending or receiving electronic mail or fax cards,
24 along with any other hardware stored or housed internally. Thus, computer refers to
25 hardware, software and data contained in the main unit. Printers, external modems attached
26 by cable to the main unit, monitors, and other external attachments will be referred to
27 collectively as peripherals and discussed individually when appropriate. When the computer
28 and all peripherals are referred to as a package, the term "computer system" is used.
29 Information refers to all the information on a computer system including both software
30 applications and data;

31 (6) "Computer equipment", computers, terminals, data storage devices, and all other
32 computer hardware associated with a computer system or network;

33 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
34 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses
35 or data. Hardware includes, but is not limited to, any data processing devices, such as central
36 processing units, memory typewriters and self-contained laptop or notebook computers;
37 internal and peripheral storage devices, transistor-like binary devices and other memory
38 storage devices, such as floppy disks, removable disks, compact disks, digital video disks,
39 magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two
40 or more computers connected together to a central computer server via cable or modem;
41 peripheral input or output devices, such as keyboards, printers, scanners, plotters, video
42 display monitors and optical readers; and related communication devices, such as modems,
43 cables and connections, recording equipment, RAM or ROM units, acoustic couplers,
44 automatic dialers, speed dialers, programmable telephone dialing or signaling devices and
45 electronic tone-generating devices; as well as any devices, mechanisms or parts that can be
46 used to restrict access to computer hardware, such as physical keys and locks;

47 (8) "Computer network", two or more interconnected computers or computer
48 systems;

49 (9) "Computer program", a set of instructions, statements, or related data that directs
50 or is intended to direct a computer to perform certain functions;

51 (10) "Computer software", digital information which can be interpreted by a
52 computer and any of its related components to direct the way they work. Software is stored in

53 electronic, magnetic, optical or other digital form. The term commonly includes programs to
54 run operating systems and applications, such as word processing, graphic, or spreadsheet
55 programs, utilities, compilers, interpreters and communications programs;

56 (11) "Computer-related documentation", written, recorded, printed or electronically
57 stored material which explains or illustrates how to configure or use computer hardware,
58 software or other related items;

59 (12) "Computer system", a set of related, connected or unconnected, computer
60 equipment, data, or software;

61 (13) "Confinement":

62 (a) A person is in confinement when such person is held in a place of confinement
63 pursuant to arrest or order of a court, and remains in confinement until:

64 a. A court orders the person's release; or

65 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

66 c. A public servant having the legal power and duty to confine the person authorizes
67 his release without guard and without condition that he return to confinement;

68 (b) A person is not in confinement if:

69 a. The person is on probation or parole, temporary or otherwise; or

70 b. The person is under sentence to serve a term of confinement which is not
71 continuous, or is serving a sentence under a work-release program, and in either such case is
72 not being held in a place of confinement or is not being held under guard by a person having
73 the legal power and duty to transport the person to or from a place of confinement;

74 (14) "Consent": consent or lack of consent may be expressed or implied. Assent
75 does not constitute consent if:

76 (a) It is given by a person who lacks the mental capacity to authorize the conduct
77 charged to constitute the offense and such mental incapacity is manifest or known to the
78 actor; or

79 (b) It is given by a person who by reason of youth, mental disease or defect,
80 intoxication, a drug-induced state, or any other reason is manifestly unable or known by the
81 actor to be unable to make a reasonable judgment as to the nature or harmfulness of the
82 conduct charged to constitute the offense; or

83 (c) It is induced by force, duress or deception;

84 (15) "Controlled substance", a drug, substance, or immediate precursor in schedules I
85 through V as defined in chapter 195;

86 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk
87 that circumstances exist or a result will follow, and such failure constitutes a gross deviation
88 from the standard of care which a reasonable person would exercise in the situation;

89 (17) "Custody", a person is in custody when he or she has been arrested but has not
90 been delivered to a place of confinement;

91 (18) "Damage", when used in relation to a computer system or network, means any
92 alteration, deletion, or destruction of any part of the computer system or network;

93 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
94 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
95 physical injury results, attempted sodomy in the first degree if physical injury results,
96 attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape,
97 sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such
98 assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the
99 first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in
100 the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in
101 the first degree, armed criminal action, conspiracy to commit an offense when the offense is a
102 dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the
103 first degree when the victim is a child less than twelve years of age at the time of the
104 commission of the act giving rise to the offense, statutory sodomy in the first degree when the
105 victim is a child less than twelve years of age at the time of the commission of the act giving
106 rise to the offense, child molestation in the first or second degree, abuse of a child if the child
107 dies as a result of injuries sustained from conduct chargeable under section 568.060, child
108 kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of
109 the child for not less than one hundred twenty days under section 565.153, **endangering the**
110 **welfare of a child in the first degree**, and an "intoxication-related traffic offense" or
111 "intoxication-related boating offense" if the person is found to be a "habitual offender" or
112 "habitual boating offender" as such terms are defined in section 577.001;

113 (20) "Dangerous instrument", any instrument, article or substance, which, under the
114 circumstances in which it is used, is readily capable of causing death or other serious physical
115 injury;

116 (21) "Data", a representation of information, facts, knowledge, concepts, or
117 instructions prepared in a formalized or other manner and intended for use in a computer or
118 computer network. Data may be in any form including, but not limited to, printouts,
119 microfiche, magnetic storage media, punched cards and as may be stored in the memory of a
120 computer;

121 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a
122 shot, readily capable of producing death or serious physical injury, may be discharged, or a
123 switchblade knife, dagger, billy club, blackjack or metal knuckles;

124 (23) "Digital camera", a camera that records images in a format which enables the
125 images to be downloaded into a computer;

- 126 (24) "Disability", a mental, physical, or developmental impairment that substantially
127 limits one or more major life activities or the ability to provide adequately for one's care or
128 protection, whether the impairment is congenital or acquired by accident, injury or disease,
129 where such impairment is verified by medical findings;
- 130 (25) "Elderly person", a person sixty years of age or older;
- 131 (26) "Felony", an offense so designated or an offense for which persons found guilty
132 thereof may be sentenced to death or imprisonment for a term of more than one year;
- 133 (27) "Forcible compulsion" either:
- 134 (a) Physical force that overcomes reasonable resistance; or
135 (b) A threat, express or implied, that places a person in reasonable fear of death,
136 serious physical injury or kidnapping of such person or another person;
- 137 (28) "Incapacitated", a temporary or permanent physical or mental condition in which
138 a person is unconscious, unable to appraise the nature of his or her conduct, or unable to
139 communicate unwillingness to an act;
- 140 (29) "Infraction", a violation defined by this code or by any other statute of this state
141 if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil
142 penalty, is authorized upon conviction;
- 143 (30) "Inhabitable structure", a vehicle, vessel or structure:
- 144 (a) Where any person lives or carries on business or other calling; or
145 (b) Where people assemble for purposes of business, government, education, religion,
146 entertainment, or public transportation; or
147 (c) Which is used for overnight accommodation of persons.
148
- 149 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
150 present. If a building or structure is divided into separately occupied units, any unit not
151 occupied by the actor is an inhabitable structure of another;
- 152 (31) "Knowingly", when used with respect to:
- 153 (a) Conduct or attendant circumstances, means a person is aware of the nature of his
154 or her conduct or that those circumstances exist; or
155 (b) A result of conduct, means a person is aware that his or her conduct is practically
156 certain to cause that result;
- 157 (32) "Law enforcement officer", any public servant having both the power and duty to
158 make arrests for violations of the laws of this state, and federal law enforcement officers
159 authorized to carry firearms and to make arrests for violations of the laws of the United
160 States;

161 (33) "Misdemeanor", an offense so designated or an offense for which persons found
162 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one
163 year or less;

164 (34) "Of another", property that any entity, including but not limited to any natural
165 person, corporation, limited liability company, partnership, association, governmental
166 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
167 therein, except that property shall not be deemed property of another who has only a security
168 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
169 other security arrangement;

170 (35) "Offense", any felony or misdemeanor;

171 (36) "Physical injury", slight impairment of any function of the body or temporary
172 loss of use of any part of the body;

173 (37) "Place of confinement", any building or facility and the grounds thereof wherein
174 a court is legally authorized to order that a person charged with or convicted of a crime be
175 held;

176 (38) "Possess" or "possessed", having actual or constructive possession of an object
177 with knowledge of its presence. A person has actual possession if such person has the object
178 on his or her person or within easy reach and convenient control. A person has constructive
179 possession if such person has the power and the intention at a given time to exercise dominion
180 or control over the object either directly or through another person or persons. Possession
181 may also be sole or joint. If one person alone has possession of an object, possession is sole.
182 If two or more persons share possession of an object, possession is joint;

183 (39) "Property", anything of value, whether real or personal, tangible or intangible, in
184 possession or in action;

185 (40) "Public servant", any person employed in any way by a government of this state
186 who is compensated by the government by reason of such person's employment, any person
187 appointed to a position with any government of this state, or any person elected to a position
188 with any government of this state. It includes, but is not limited to, legislators, jurors,
189 members of the judiciary and law enforcement officers. It does not include witnesses;

190 (41) "Purposely", when used with respect to a person's conduct or to a result thereof,
191 means when it is his or her conscious object to engage in that conduct or to cause that result;

192 (42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that
193 circumstances exist or that a result will follow, and such disregard constitutes a gross
194 deviation from the standard of care which a reasonable person would exercise in the situation;

195 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary
196 or permanent medical or psychological damage, manifested by impairment of a behavioral,
197 cognitive or physical condition. Serious emotional injury shall be established by testimony of

198 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
199 medical or psychological certainty;

200 (44) "Serious physical injury", physical injury that creates a substantial risk of death
201 or that causes serious disfigurement or protracted loss or impairment of the function of any
202 part of the body;

203 (45) "Services", when used in relation to a computer system or network, means use of
204 a computer, computer system, or computer network and includes, but is not limited to,
205 computer time, data processing, and storage or retrieval functions;

206 (46) "Sexual orientation", male or female heterosexuality, homosexuality or
207 bisexuality by inclination, practice, identity or expression, or having a self-image or
208 identity not traditionally associated with one's gender;

209 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or
210 persons, excluding vessels or aircraft;

211 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
212 such motor or machinery is a principal source of propulsion used or capable of being used as
213 a means of transportation on water, or any boat or craft more than twelve feet in length which
214 is powered by sail alone or by a combination of sail and machinery, and used or capable of
215 being used as a means of transportation on water, but not any boat or craft having, as the only
216 means of propulsion, a paddle or oars;

217 (49) "Voluntary act":

218 (a) A bodily movement performed while conscious as a result of effort or
219 determination. Possession is a voluntary act if the possessor knowingly procures or receives
220 the thing possessed, or having acquired control of it was aware of his or her control for a
221 sufficient time to have enabled him or her to dispose of it or terminate his or her control; or

222 (b) An omission to perform an act of which the actor is physically capable. A person
223 is not guilty of an offense based solely upon an omission to perform an act unless the law
224 defining the offense expressly so provides, or a duty to perform the omitted act is otherwise
225 imposed by law;

226 (50) "Vulnerable person", any person in the custody, care, or control of the
227 department of mental health who is receiving services from an operated, funded, licensed, or
228 certified program.

568.045. 1. A person commits the offense of endangering the welfare of a child in the
2 first degree if he or she:

3 (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or
4 health of a child less than seventeen years of age; or

5 (2) Knowingly engages in sexual conduct with a person under the age of seventeen
6 years over whom the person is a parent, guardian, or otherwise charged with the care and
7 custody;

8 (3) Knowingly encourages, aids or causes a child less than seventeen years of age to
9 engage in any conduct which violates the provisions of chapter 571 or 579;

10 (4) In the presence of a child less than seventeen years of age or in a residence where
11 a child less than seventeen years of age resides, unlawfully manufactures or attempts to
12 manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes
13 **any of the following: fentanyl, carfentanil, amphetamine, or methamphetamine, or any [of**
14 ~~its analogues]~~ **analogue thereof.**

15 2. The offense of endangering the welfare of a child in the first degree is a class D
16 felony unless the offense:

17 (1) Is committed as part of an act or series of acts performed by two or more persons
18 as part of an established or prescribed pattern of activity, or where physical injury to the child
19 results, or the offense is a second or subsequent offense under this section, in which case the
20 offense is a class C felony;

21 (2) **Involves fentanyl or carfentanil, or any analogue thereof, in which case:**

22 (a) **The person who commits the offense shall be punished by a term of**
23 **imprisonment of not less than five years and not more than ten years;**

24 (b) **No court shall suspend the imposition or execution of sentence of a person**
25 **who pleads guilty to or is found guilty of an offense under this subdivision;**

26 (c) **No court shall sentence such person to pay a fine in lieu of a term of**
27 **imprisonment; and**

28 (d) **A person sentenced under this subdivision shall not be eligible for conditional**
29 **release or parole until he or she has served at least five years of imprisonment;**

30 (3) Results in serious physical injury to the child, in which case the offense is a class
31 B felony; or

32 [~~3~~] (4) Results in the death of a child, in which case the offense is a class A felony.

569.170. 1. A person commits the offense of burglary in the second degree when he
2 or she knowingly:

3 (1) Enters unlawfully or knowingly remains unlawfully in a building or inhabitable
4 structure for the purpose of committing a crime therein; **or**

5 (2) **Enters unlawfully into a motor vehicle or any part of a motor vehicle with the**
6 **intent to commit any felony or theft. As used in this subdivision, "enters" means a**
7 **person intrudes with:**

8 (a) **Any part of the body; or**

9 (b) **Any physical object connected with the body.**

10 2. The offense of burglary in the second degree is a class D felony **unless committed**
 11 **under subdivision (2) of subsection 1 of this section and the person was in possession of a**
 12 **firearm or stole a firearm from the motor vehicle in which case it is a class C felony.**

569.175. 1. A person commits the offense of unlawfully gaining entry into motor
 2 **vehicles if the person lifts the door handles or otherwise tries the doors and locks of**
 3 **successive motor vehicles to gain entry into the motor vehicles unless the person is the**
 4 **owner of the motor vehicles or has the owners' permission to enter the motor vehicles.**
 5 **For purposes of this section, "successive" means lifting the door handles or otherwise**
 6 **trying the doors and locks of one vehicle after another.**

7 **2. The offense of unlawfully gaining entry into motor vehicles is a class E felony.**

574.050. 1. A person commits the offense of rioting if he or she knowingly
 2 assembles with six or more other persons [~~and agrees with such persons to violate any of the~~
 3 ~~criminal laws of this state or of the United States with force or violence~~], and thereafter, while
 4 still so assembled, [~~does violate any of said laws with force or violence~~] **violates any of the**
 5 **criminal laws of this state or of the United States.**

6 2. The offense of rioting is a class [~~A misdemeanor~~] **D felony. A second or**
 7 **subsequent conviction under this section shall be a class C felony.**

575.150. 1. A person commits the offense of resisting or interfering with arrest,
 2 detention, or stop if he or she knows or reasonably should know that a law enforcement
 3 officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle,
 4 and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or
 5 she:

6 (1) Resists the arrest, stop or detention of such person by using or threatening the use
 7 of violence or physical force or by fleeing from such officer; or

8 (2) Interferes with the arrest, stop or detention of another person by using or
 9 threatening the use of violence, physical force or physical interference.

10 2. This section applies to:

11 (1) Arrests, stops, or detentions, with or without warrants;

12 (2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation;

13 and

14 (3) Arrests for warrants issued by a court or a probation and parole officer.

15 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
 16 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or
 17 has heard or should have heard an audible signal emanating from the law enforcement vehicle
 18 pursuing him or her.

19 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
20 enforcement officer was acting unlawfully in making the arrest. However, nothing in this
21 section shall be construed to bar civil suits for unlawful arrest.

22 5. The offense of resisting or interfering with an arrest is a class E felony for an arrest
23 for a:

24 (1) Felony;

25 (2) Warrant issued for failure to appear on a felony case; or

26 (3) Warrant issued for a probation violation on a felony case.

27

28 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of
29 subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a
30 substantial risk of serious physical injury or death to any person, in which case it is a class E
31 felony.

32 **6. In the case of an offense under this section that is subject to punishment as a**
33 **class E felony, any vehicle used in violation of this section shall be impounded and**
34 **forfeited pursuant to section 82.1000 and sections 513.600 to 513.645.**

590.208. 1. There is hereby established the "Committee on School Safety"
2 **within the department of public safety.**

3 **2. The committee shall consist of the following members:**

4 **(1) Up to three representatives of the department of public safety;**

5 **(2) A representative of the Missouri Sheriff's Association;**

6 **(3) A representative of the Missouri Municipal League;**

7 **(4) A representative of the department of elementary and secondary education;**

8 **and**

9 **(5) A representative of the Missouri School Boards' Association's Center for**
10 **Education Safety.**

11 **3. One member who represents the department of public safety shall serve as**
12 **chair of the committee.**

13 **4. Members of the committee shall serve without compensation but may be**
14 **reimbursed for actual expenses necessary to the performance of their official duties for**
15 **the committee.**

16 **5. The committee shall meet at least four times per year and at least once per**
17 **calendar quarter to evaluate and establish guidelines for school safety concerns,**
18 **including plans to prevent school firearm violence.**

19 **6. Except as provided in section 610.021, all meetings of the committee shall be**
20 **open to the public.**

21 **7. The committee shall submit a report in writing to the governor, president pro**
22 **tempore of the senate, and speaker of the house of representatives after each meeting of**
23 **the committee.**

2 ~~[84.175. 1. Upon recommendation of the chief of police, the board~~
3 ~~may authorize and provide for the organization of a police reserve force~~
4 ~~composed of members who receive a service retirement under the provisions~~
5 ~~of sections 86.200 to 86.366 and who qualify under the provisions of section~~
6 ~~84.120. Such reserve force shall be under the command of the chief of police~~
7 ~~and shall be provided training, equipment, uniforms, and arms as the chief~~
8 ~~shall direct with the approval of the board. Members of the reserve force shall~~
9 ~~possess all of the powers of regular police officers and shall be subject to all~~
10 ~~laws and regulations applicable to police officers; provided, however, that the~~
11 ~~city council or other governing body of any such city may in its discretion fix a~~
12 ~~total in number which the reserve force may not exceed.]~~

13 ~~2. In event of riot or other emergencies as declared and defined by the~~
14 ~~mayor, in concurrence with the board, the board, upon recommendation of the~~
15 ~~chief, may appoint special officers or patrolmen for temporary service in~~
16 ~~addition to the police reserve force herein provided for, but the length of time~~
17 ~~for which such officers or patrolmen shall be employed shall be limited to the~~
~~time during which such emergency shall exist.]~~

2 ~~[84.240. The board of police commissioners shall establish the~~
3 ~~Bertillon system of identification of criminals and others by means of~~
4 ~~anthropometric indications, and they are further required to employ such~~
5 ~~additional assistance as may be necessary to properly conduct and manage this~~
6 ~~department.]~~

2 ~~[84.341. No elected or appointed official of the state or any political~~
3 ~~subdivision thereof shall act or refrain from acting in any manner to impede,~~
4 ~~obstruct, hinder, or otherwise interfere with any member of a municipal police~~
5 ~~force established under sections 84.343 to 84.346 in the performance of his or~~
6 ~~her job duties, or with any aspect of any investigation arising from the~~
7 ~~performance of such job duties. This section shall not be construed to prevent~~
8 ~~such officials from acting within the normal course and scope of their~~
9 ~~employment or from acting to implement sections 84.343 to 84.346. Any~~
10 ~~person who violates this section shall be liable for a penalty of two thousand~~
11 ~~five hundred dollars for each offense and shall forever be disqualified from~~
12 ~~holding any office or employment whatsoever with the governmental entity~~
13 ~~the person served at the time of the violation. The penalty shall not be paid by~~
14 ~~the funds of any committee as the term committee is defined in section~~
15 ~~130.011. This section shall not be construed to interfere with the punishment,~~
16 ~~under any laws of this state, of a criminal offense committed by such officials,~~
17 ~~nor shall this section apply to duly appointed members of the municipal police~~
18 ~~force, or their appointing authorities, whose conduct is otherwise provided for~~
~~by law.]~~

~~[84.342. 1. It shall be an unlawful employment practice for an official, employee, or agent of a municipal police force established under sections 84.343 to 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against an employee of the municipal police force for reporting to any superior, government agency, or the press the conduct of another employee that the reporting employee believes, in good faith, is illegal.~~

~~2. Any employee of the municipal police force may bring a cause of action for general or special damages based on a violation of this section.]~~

~~[84.343. 1. Subject to the provisions of sections 84.344 to 84.346, any city not within a county may establish a municipal police force for the purposes of:~~

- ~~(1) Preserving the public peace, welfare, and order;~~
- ~~(2) Preventing crime and arresting suspected offenders;~~
- ~~(3) Enforcing the laws of the state and ordinances of the city;~~
- ~~(4) Exercising all powers available to a police force under generally applicable state law; and~~
- ~~(5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.~~

~~2. Any person who acts as a private watchman, private detective, or private policeman in said cities without having obtained a written license from said cities is guilty of a class A misdemeanor.]~~

~~[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.~~

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

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

36 6. ~~Commissioned and civilian personnel of a municipal police force~~
37 ~~established under this section shall not be subject to a residency requirement of~~
38 ~~retaining a primary residence in a city not within a county but may be required~~
39 ~~to maintain a primary residence located within a one hour response time.~~

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

45 8. ~~If the city not within a county elects to establish a municipal police~~
46 ~~force under this section, the city shall establish a separate division for the~~
47 ~~operation of its municipal police force. The civil service commission of the~~
48 ~~city may adopt rules and regulations appropriate for the unique operation of a~~
49 ~~police department. Such rules and regulations shall reserve exclusive~~
50 ~~authority over the disciplinary process and procedures affecting commissioned~~
51 ~~officers to the civil service commission; however, until such time as the city~~
52 ~~adopts such rules and regulations, the commissioned personnel shall continue~~
53 ~~to be governed by the board of police commissioner's rules and regulations in~~
54 ~~effect immediately prior to the establishment of the municipal police force,~~
55 ~~with the police chief acting in place of the board of police commissioners for~~
56 ~~purposes of applying the rules and regulations. Unless otherwise provided for,~~
57 ~~existing civil service commission rules and regulations governing the appeal of~~
58 ~~disciplinary decisions to the civil service commission shall apply to all~~
59 ~~commissioned and civilian personnel. The civil service commission's rules~~
60 ~~and regulations shall provide that records prepared for disciplinary purposes~~
61 ~~shall be confidential, closed records available solely to the civil service~~
62 ~~commission and those who possess authority to conduct investigations~~
63 ~~regarding disciplinary matters pursuant to the civil service commission's rules~~
64 ~~and regulations. A hearing officer shall be appointed by the civil service~~
65 ~~commission to hear any such appeals that involve discipline resulting in a~~
66 ~~suspension of greater than fifteen days, demotion, or termination, but the civil~~
67 ~~service commission shall make the final findings of fact, conclusions of law,~~
68 ~~and decision which shall be subject to any right of appeal under chapter 536.~~

69 9. ~~A city not within a county that establishes and maintains a~~
70 ~~municipal police force under this section:~~

71 (1) ~~Shall provide or contract for life insurance coverage and for~~
72 ~~insurance benefits providing health, medical, and disability coverage for~~

73 ~~commissioned and civilian personnel of the municipal police force to the same~~
 74 ~~extent as was provided by the board of police commissioners under section~~
 75 ~~84.160;~~

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

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

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

92 ~~10. A city not within a county that establishes a municipal police force~~
 93 ~~under sections 84.343 to 84.346 shall establish a transition committee of five~~
 94 ~~members for the purpose of: coordinating and implementing the transition of~~
 95 ~~authority, operations, assets, and obligations from the board of police~~
 96 ~~commissioners to the city; winding down the affairs of the board; making~~
 97 ~~nonbinding recommendations for the transition of the police force from the~~
 98 ~~board to the city; and other related duties, if any, established by executive~~
 99 ~~order of the city's mayor. Once the ordinance referenced in this section is~~
 100 ~~enacted, the city shall provide written notice to the board of police~~
 101 ~~commissioners and the governor of the state of Missouri. Within thirty~~
 102 ~~days of such notice, the mayor shall appoint three members to the committee,~~
 103 ~~two of whom shall be members of a statewide law enforcement association~~
 104 ~~that represents at least five thousand law enforcement officers. The remaining~~
 105 ~~members of the committee shall include the police chief of the municipal~~
 106 ~~police force and a person who currently or previously served as a~~
 107 ~~commissioner on the board of police commissioners, who shall be appointed~~
 108 ~~to the committee by the mayor of such city.]~~

2 ~~[84.345. 1. Except as required for the board of police commissioners~~
 3 ~~to conclude its affairs and pursue legal claims and defenses, upon the~~
 4 ~~establishment of a municipal police force, the terms of office of the~~
 5 ~~commissioners of the board of police created under sections 84.020 and~~
 6 ~~84.030 shall expire, and the provisions of sections 84.010 to 84.340 shall not~~
 7 ~~apply to any city not within a county or its municipal police force as of such~~
 8 ~~date. The board shall continue to operate, if necessary, to wind down the~~
 9 ~~board's affairs until the transfer of ownership and obligations under subsection~~
 10 ~~2 of section 84.344 has been completed. During such time, the board of police~~
 11 ~~commissioners shall designate and authorize its secretary to act on behalf of~~

11 the board for purposes of performing the board's duties and any other actions
 12 incident to the transfer and winding down of the board's affairs.

13 2. For any claim, lawsuit, or other action arising out of actions
 14 occurring before the date of completion of the transfer provided under
 15 subsection 2 of section 84.344, the state shall continue to provide legal
 16 representation as set forth in section 105.726, and the state legal expense fund
 17 shall continue to provide reimbursement for such claims under section
 18 105.726. This subsection applies to all claims, lawsuits, and other actions
 19 brought against any commissioner, police officer, employee, agent,
 20 representative, or any individual or entity acting or purporting to act on its
 21 or their behalf.

22 3. Notwithstanding any other provision of law, rule, or regulation to
 23 the contrary, any city not within a county that establishes a municipal police
 24 force under sections 84.343 to 84.346 shall not be restricted or limited in any
 25 way in the selection of a police chief or chief of the division created under
 26 subsection 8 of section 84.344.

27 4. It shall be the duty of the sheriff for any city not within a county,
 28 whenever called upon by the police chief of the municipal police force, to act
 29 under the police chief's control for the preservation of the public peace and
 30 quiet; and, whenever the exigency or circumstances may, in the police chief's
 31 judgment, warrant it, said police chief shall have the power to assume the
 32 control and command of all local and municipal conservators of the peace of
 33 the city, whether sheriff, constable, policemen or others, and they shall act
 34 under the orders of the said police chief and not otherwise.]

2 [84.346. Any police pension system created under chapter 86 for the
 3 benefit of a police force established under sections 84.010 to 84.340 shall
 4 continue to be governed by chapter 86, and shall apply to any police force
 5 established under section 84.343 to 84.346. Other than any provision that
 6 makes chapter 86 applicable to a municipal police force established under
 7 section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be
 8 construed as limiting or changing the rights or benefits provided under chapter
 86.]

2 [84.347. Notwithstanding the provisions of section 1.140 to the
 3 contrary, the provisions of sections 84.343 to 84.346 shall be nonseverable. If
 4 any provision of sections 84.343 to 84.346 is for any reason held to be invalid,
 such decision shall invalidate all of the remaining provisions of this act.]

✓