

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 40

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WHALEY.

1786H.021

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

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

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2026, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article VII of the Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is amended by adopting two new sections, to be known as Sections 15 and 16, to read as follows:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

- 16 **(1) Apprehend and commit to jail all felons and traitors;**
 17 **(2) Attend each division of the circuit court presided over by a circuit or**
 18 **associate circuit court judge held in his or her county, when so directed by the court;**
 19 **and**
 20 **(3) Execute process, including writs of replevin, attachments, and final process**
 21 **issued by circuit court and associate circuit court judges, unless the sheriff of the county**
 22 **does not perform such duties as of August 28, 2025.**

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

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

31 **6. An elected county sheriff shall not be removed from office except by writ of**
 32 **quo warranto initiated by the attorney general.**

Section 16. Because sheriffs are part of the administration of justice, the general
 2 **assembly may levy court costs and fees to support salaries or benefits for sheriffs and**
 3 **retired sheriffs.**

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

5 "Shall the Missouri Constitution be amended to support law enforcement by
 6 preserving the right of citizens to elect a county sheriff, prohibiting the removal of a county
 7 sheriff except by the attorney general, and protecting funding for law enforcement officials?".

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