

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1866, Page 1, Section A, Line 2, by
2 inserting after said section and line the following:
3

4 "84.120. 1. (1) No person shall be appointed or employed as policeman, turnkey, or
5 officer of police who shall have been convicted of, or against whom any indictment may be
6 pending, for any offense, the punishment of which may be confinement in the penitentiary[; nor].
7 No person shall [any person] be so appointed who is not of good character, [or who is not a
8 citizen of the United States,] or who is not able to read and write the English language, or who
9 does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter
10 appointed shall serve while they shall faithfully perform their duties and possess mental and
11 physical ability and be subject to removal only for cause after a hearing by the boards, who are
12 hereby invested with the jurisdiction in the premises.

13 (2) Any person appointed or employed as a policeman, turnkey, or officer of police shall
14 be a citizen of the United States or shall be a permanent resident of the United States who has
15 been honorably discharged from the United States Armed Forces.

16 2. The board shall have the sole discretion whether to delegate portions of its jurisdiction
17 to hearing officers. The board shall retain final and ultimate authority over such matters and
18 over the person to whom the delegation may be made. In any hearing before the board under
19 this section, the member involved may make application to the board to waive a hearing before
20 the board and request that a hearing be held before a hearing officer.

21 3. Nothing in this section or chapter shall be construed to prohibit the board of police
22 commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or
23 any other hearing or proceeding which could otherwise be heard by the board or concerning any
24 determination related to whether an officer is able to perform the necessary functions of the
25 position. Tasks related to the preceding matter may be delegated by the board to a hearing
26 officer under the provisions of subsection 4 of this section.

27 4. (1) The hearing officer to whom a delegation has been made by the board may, at the
28 sole discretion of the board, perform certain functions, including but not limited to the following:

- 29 (a) Presiding over a disciplinary matter from its inception through to the final hearing;
30 (b) Preparing a report to the board of police commissioners; and
31 (c) Making recommendations to the board of police commissioners as to the allegations
32 and the appropriateness of the recommended discipline.

33 (2) The board shall promulgate rules, which may be changed from time to time as
34 determined by the board, and shall make such rules known to the hearing officer or others.

35 (3) The board shall at all times retain the authority to render the final decision after a
36 review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared

Action Taken _____ Date _____

1 by the hearing officer.

2 5. Hearing officers shall be selected in the following manner:

3 (1) The board shall establish a panel of not less than five persons, all who are to be
4 licensed attorneys in good standing with the Missouri Bar. The composition of the panel may
5 change from time to time at the board's discretion;

6 (2) From the panel, the relevant member or officer and a police department
7 representative shall alternatively and independently strike names from the list with the last
8 remaining name being the designated hearing officer. The board shall establish a process to be
9 utilized for each hearing which will determine which party makes the first strike and the process
10 may change from time to time;

11 (3) After the hearing officer is chosen and presides over a matter, such hearing officer
12 shall become ineligible until all hearing officers listed have been utilized, at which time the list
13 shall renew, subject to officers' availability.

14 6. Nothing in this section shall be construed to authorize the board of police
15 commissioners to remove or discharge any chief, as that term is defined in section 106.273.

16 84.570. 1. (1) No person shall be appointed policeman or officer of police who shall
17 have been convicted of any offense, the punishment of which may be confinement in the state
18 penitentiary[; nor]. No person shall [any person] be appointed who is not proven to be of good
19 character, [or who is not proven to be a bona fide citizen of the United States,] or who cannot
20 read and write the English language and who does not possess ordinary physical strength and
21 courage, nor shall any person be originally appointed to said police force who is less than
22 twenty-one years of age. Notwithstanding any other provision of law, the board shall have the
23 sole authority to determine conditions of employment for police officers pursuant to section
24 84.460.

25 (2) Any person appointed or employed as a policeman or officer of police shall be a
26 citizen of the United States or shall be a permanent resident of the United States who has been
27 honorably discharged from the United States Armed Forces.

28 2. In the interest of efficiency and public safety, law enforcement officers, as such term
29 is defined in 29 U.S.C. Section 630 or any successor statute, shall be separated from service on
30 the last day of the month in which the employee becomes sixty-five years of age or reaches
31 thirty-five years of creditable service, as such term is defined in subdivision (8) of section
32 86.900, whichever occurs later.

33 3. The board shall from time to time require open competitive examinations or tests for
34 determining the qualifications and fitness of all applicants for appointment to positions on the
35 police force. Such examinations and tests shall be practical and shall relate to matters which
36 fairly measure the relative fitness of the candidates to discharge the duties of the positions to
37 which they seek to be appointed. Notice of such examinations and tests shall be given not less
38 than ten days in advance thereof by public advertisement in at least one newspaper of general
39 circulation in such city, and by posting notice in the police headquarters building. A list of those
40 qualifying in such examinations shall be established, listing those qualified in order of rank.
41 When an appointment is to be made, the appointment shall be made from such eligible list.

42 4. The board shall also establish rules for:

43 (1) Temporary employment for not exceeding sixty days in the absence of any eligible
44 list;

45 (2) Hours of work of police employees and officers subject to the provisions of section
46 84.510; and

1 (3) Attendance regulations and leaves of absence.

2 590.030. 1. The POST commission shall establish minimum standards for the basic
3 training of peace officers. Such standards may vary for each class of license established
4 pursuant to subsection 2 of section 590.020.

5 2. The director shall establish minimum age, citizenship, and general education
6 requirements and may require a qualifying score on a certification examination as conditions of
7 eligibility for a peace officer license. Such general education requirements shall require
8 completion of a high school program of education under chapter 167 or obtainment of a General
9 Educational Development (GED) certificate.

10 3. The director shall provide for the licensure, with or without additional basic training,
11 of peace officers possessing credentials by other states or jurisdictions, including federal and
12 military law enforcement officers.

13 4. The director shall establish a procedure for obtaining a peace officer license and shall
14 issue the proper license when the requirements of this chapter have been met.

15 5. As conditions of licensure, all licensed peace officers shall:

16 (1) Obtain continuing law enforcement education pursuant to rules to be promulgated by
17 the POST commission;

18 (2) Maintain a current address of record on file with the director; and

19 (3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace
20 officer is commissioned with a different law enforcement agency, for the purposes of a criminal
21 history background check and enrollment in the state and federal Rap Back programs, pursuant
22 to section 43.540. The criminal history background check shall include the records of the
23 Federal Bureau of Investigation. The resulting report shall be forwarded to the officer's
24 commissioning law enforcement agency at the time of enrollment and Rap Back enrollment shall
25 be for the purpose of the requirements of subsection 3 of section 590.070 and subsection 2 of
26 section 590.118. An officer shall take all necessary steps to maintain enrollment in Rap Back at
27 all law enforcement agencies where the officer is commissioned for as long as the officer is
28 commissioned with a law enforcement agency or that agency.

29 6. A peace officer license shall automatically expire if the licensee fails to hold a
30 commission as a peace officer for a period of five consecutive years, provided that the POST
31 commission shall provide for the relicensure of such persons and may require retraining as a
32 condition of eligibility for relicensure, and provided that the director may provide for the
33 continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement
34 commission requiring a peace officer license but not meeting the definition of a peace officer
35 pursuant to this chapter.

36 7. All law enforcement agencies shall enroll in the state and federal Rap Back programs
37 on or before January 1, 2022, and continue to remain enrolled. The law enforcement agency
38 shall take all necessary steps to maintain officer enrollment for all officers commissioned with
39 that agency in the Rap Back programs. An officer shall submit to being fingerprinted at any law
40 enforcement agency upon commissioning and for as long as the officer is commissioned with
41 that agency.

42 8. Notwithstanding any other provision of law to the contrary, any citizenship
43 requirements established by the POST commission as a condition of eligibility for a peace
44 officer license shall allow a person to serve as a law enforcement officer if he or she is a
45 permanent resident of the United States who has been honorably discharged from the United
46 States Armed Forces."; and

1
2 Further amend said bill and page, Section 590.100, Line 9, by inserting after the word "States"
3 the words "or is not a permanent resident of the United States who has been honorably
4 discharged from the United States Armed Forces"; and
5
6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.