

SECOND REGULAR SESSION

SENATE BILL NO. 1097

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5169S.011

AN ACT

To repeal sections 84.120 and 84.170, RSMo, and to enact in lieu thereof two new sections relating to the St. Louis board of police commissioners.

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

Section A. Sections 84.120 and 84.170, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 84.120 and 84.170, to
3 read as follows:

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

11 **2. It is within the board of police commissioners' sole discretion**
12 **whether to delegate portions of its jurisdiction to other persons,**
13 **including hearing officers. The board retains final and ultimate**
14 **authority over these matters and over the persons or groups of persons**
15 **to whom the delegation may be made.**

16 **3. Nothing in this section shall be construed to prohibit the**
17 **board of police commissioners from delegating tasks related to**
18 **disciplinary matters and disciplinary hearings to other persons,**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 including a hearing officer, under the limitations expressed in
20 subsections 4 to 6 of this section.

21 4. A hearing officer or other person to whom a delegation has
22 been made by the board of police commissioners may, at the sole
23 discretion of the board, perform certain functions, including but not
24 limited to the following:

25 (1) Presiding over a disciplinary matter from its inception
26 through to the final hearing;

27 (2) Preparing a report to the board of police commissioners or
28 the chief of police; and

29 (3) Making recommendations to the board of police
30 commissioners or the chief of police as to the allegations made during
31 a disciplinary matter and the appropriateness of the recommended
32 discipline.

33 5. The board of police commissioners shall prepare and make
34 known to hearing officers or other persons applicable rules and
35 regulations. Such rules and regulations may be changed from time to
36 time as determined by the board.

37 6. The board of police commissioners shall at all times retain the
38 authority to render a final decision regarding a disciplinary matter
39 after a review of the pertinent documents, evidence, transcripts,
40 videotaped testimony and reports prepared by the hearing officer or
41 others to whom the board has made delegations.

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

12 2. The boards of police are hereby authorized to make all such rules and
13 regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the

14 state, as they may judge necessary, for the appointment, employment, uniforming,
15 discipline, trial and government of the police. The said boards shall also have
16 power to require of any officer or policeman bond with sureties when they may
17 consider it demanded by the public interests. All lawful rules and regulations of
18 the board shall be obeyed by the police force on pain of dismissal or such lighter
19 punishment, either by suspension, fine, reduction or forfeiture of pay, or
20 otherwise as the boards may adjudge.

21 **3. The authority possessed by the board of police commissioners**
22 **includes, but is not limited to, the authority to delegate portions of the**
23 **fact-finding process of a disciplinary matter, as provided for under**
24 **section 84.120, to a hearing officer or other person or persons as**
25 **determined by the board. Such fact-finding process shall include**
26 **presiding over a disciplinary hearing.**

✓

Bill

Copy