

FIRST REGULAR SESSION

# SENATE BILL NO. 550

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 21, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2373S.011

## AN ACT

To repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, and 43.220, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri state highway patrol.

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

Section A. Sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 2 and 43.220, RSMo, are repealed and eight new sections enacted in lieu thereof, 3 to be known as sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 4 and 43.220, to read as follows:

43.010. As used in this chapter, the following terms shall have the 2 meanings indicated:

(1) ["Commission", the Missouri state highways and transportation 3 commission; 4

(2) "Members of the patrol", the superintendent, lieutenant colonel, 5 majors, captains, director of radio, lieutenants, sergeants, corporals, and 6 patrolmen of the Missouri state highway patrol; 7

[(3)] (2) "MULES", Missouri uniform law enforcement system, a 8 statewide-computerized communications system provided by the patrol designed 9 to provide services, information, and capabilities to the law enforcement and 10 criminal justice community in the state of Missouri; 11

[(4)] (3) "Patrol", the Missouri state highway patrol; 12

[(5)] (4) "Peace officers", sheriffs, police officers and other peace officers 13 of this state; 14

[(6)] (5) "Radio personnel", those employees of the patrol engaged in the 15 construction, operation, and maintenance of the patrol radio system. 16

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

43.030. 1. The superintendent of the Missouri state highway patrol shall  
2 be appointed by the governor by and with the advice and consent of the  
3 senate. The superintendent shall hold office at the pleasure of the governor. The  
4 superintendent shall be a citizen of the United States and a resident taxpaying  
5 citizen of this state for a period of three years previous to being appointed as  
6 superintendent and shall be at least thirty years of age. The superintendent  
7 shall maintain an office [and reside] in Jefferson City.

8 2. The superintendent of the Missouri state highway patrol shall:

9 (1) Have command of the patrol and perform all duties imposed on the  
10 superintendent and exercise all of the powers and authority conferred upon the  
11 superintendent by the provisions of this chapter and the requirements of chapter  
12 650, RSMo;

13 (2) Within available appropriations, establish an equitable pay plan for  
14 the members of the highway patrol and radio personnel taking into consideration  
15 ranks and length of service.

43.090. [The board of public buildings shall provide suitable offices for  
2 general headquarters at Jefferson City, Missouri, which shall at all times be open  
3 and in charge of the superintendent, or some member of the patrol designated by  
4 him.] The superintendent[, with the consent and approval of the commission,]  
5 shall employ such clerical force, radio operators, and other subordinates, and  
6 shall provide such office equipment, stationery, postage supplies, [telegraph]  
7 **communication** and telephone facilities as he **or she** shall deem necessary **for**  
8 **general headquarters at Jefferson City, Missouri**, and shall also provide  
9 offices, equipment, stationery, postage, clerical force, and other subordinates for  
10 the headquarters of each [district] **troop or division** of the patrol. The state  
11 highway patrol [radio network] **communications division** shall be under the  
12 control of and at the service of the superintendent for such regular and  
13 emergency [bulletins] **communications**, and service as the superintendent may  
14 require [from time to time].

43.110. The necessary expenses of the members of the patrol in the  
2 performance of their duties shall be paid by the state when such members are  
3 away from their places of residence or from the [district] **troop or division** to  
4 which they are assigned, subject to the approval of the [commission]  
5 **superintendent**. No fee shall be allowed to any person or officer for the arrest  
6 and transportation of persons arrested and transported by members of the patrol,  
7 and no witness fees shall be granted or allowed members of the patrol in criminal

8 cases. Witness fees for members of the patrol in civil cases, and for testifying in  
9 federal court, shall be the same as provided by law, and shall be claimed and  
10 collected by members of the patrol, and promptly transmitted to the [division of  
11 collection in the department of revenue] **fund from which the salary and**  
12 **expenses of the member or employee is paid.**

43.120. 1. The superintendent shall prescribe rules for instruction and  
2 discipline and make all administrative rules and regulations and fix the hours of  
3 duty for the members of the patrol. The superintendent shall divide the state  
4 into [districts] **troops** and assign members of the patrol to such [districts]  
5 **troops** in the manner as deemed proper to carry out the purposes of this  
6 chapter. The superintendent may call members of the patrol from one [district]  
7 **troop** to another.

8 2. The superintendent shall appoint the lieutenant colonel and five majors  
9 from within the membership. Such individuals shall serve at the  
10 superintendent's pleasure and shall return to their previously held rank after  
11 being relieved of their position duties by the present or incoming  
12 superintendent. The superintendent shall classify and rank through promotions  
13 the majors, the director of radio, captains, lieutenants, sergeants, corporals,  
14 patrolmen, and radio personnel from the next lower grade after not less than one  
15 year of service satisfactorily performed therein.

16 3. In case of the absence of the superintendent, or at the time the  
17 superintendent designates, the lieutenant colonel shall assume the duties of the  
18 superintendent. In the absence of both the superintendent and the lieutenant  
19 colonel, a major shall be designated by the superintendent or by the lieutenant  
20 colonel. In case of the disability of the superintendent and the lieutenant colonel,  
21 the governor may designate a major as acting superintendent and when so  
22 designated, the acting superintendent shall have all the powers and duties of the  
23 superintendent.

24 4. The superintendent shall collect, compile and keep available for the use  
25 of peace officers of the state the information as is deemed necessary for the  
26 detection of crime and identification of criminals. **The superintendent may**  
27 **direct members and other employees of the patrol to carry out any**  
28 **public safety duty or service authorized or appropriated by the general**  
29 **assembly.**

30 5. The superintendent is responsible for establishing policy, procedures,  
31 and regulations in cooperation with the law enforcement and criminal justice

32 community in protecting the integrity of the MULES system. The superintendent  
33 shall be responsible for the administration and enforcement of all MULES policies  
34 and regulations consistent with state and federal rules, policy, and law by which  
35 the MULES system operates.

36 [6. Within ninety days after the close of each fiscal year, the  
37 superintendent shall make to the governor and the commission a report of the  
38 activities of the patrol and the cost thereof for the fiscal period.]

43.140. [1.] The members of the patrol, before entering upon the  
2 discharge of their duties, shall each take and subscribe an oath to support the  
3 constitution and laws of the United States and the state of Missouri and to  
4 faithfully demean themselves in office in the form prescribed by section 11, article  
5 VII, of the constitution of this state and they shall each faithfully perform the  
6 duties of their respective offices and safely keep and account for all moneys and  
7 property received by them.

8 [2. The superintendent, major, director of radio, each member assigned  
9 to duty in the department of finance and statistics and each member assigned to  
10 duty in the department of supplies and equipment shall give bond to be approved  
11 by the commission. The bond of the superintendent shall be twenty thousand  
12 dollars, and for each other member required to be bonded, ten thousand  
13 dollars. The cost of furnishing all such bonds shall be paid by the state.]

43.210. Any person arrested by a member of the patrol shall forthwith be  
2 taken by such member before the court or associate circuit judge, **or such**  
3 **court's or judge's designee**, having jurisdiction of the crime whereof such  
4 person so arrested is charged there to be dealt with according to law.

43.220. Neither the governor[, the commission,] nor the superintendent  
2 shall have any power, right or authority to command, order or direct any member  
3 of the patrol to perform any duty or service not authorized [by this chapter]  
4 **under state statute.**

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