

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 119 & 120

102ND GENERAL ASSEMBLY

1076S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 84.480, 84.510, 287.067, 575.010, 575.353, 578.007, and 578.022, RSMo, and to enact in lieu thereof seven new sections relating to first responders, with penalty provisions.

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

Section A. Sections 84.480, 84.510, 287.067, 575.010, 2 575.353, 578.007, and 578.022, RSMo, are repealed and seven new 3 sections enacted in lieu thereof, to be known as sections 4 84.480, 84.510, 287.067, 575.010, 575.353, 578.007, and 5 578.022, to read as follows:

84.480. The board of police commissioners shall 2 appoint a chief of police who shall be the chief police 3 administrative and law enforcement officer of such cities. 4 The chief of police shall be chosen by the board solely on 5 the basis of his or her executive and administrative 6 qualifications and his or her demonstrated knowledge of 7 police science and administration with special reference to 8 his or her actual experience in law enforcement leadership 9 and the provisions of section 84.420. At the time of the 10 appointment, the chief shall not be more than sixty years of 11 age, shall have had at least five years' executive 12 experience in a governmental police agency and shall be 13 certified by a surgeon or physician to be in a good physical 14 condition, and shall be a citizen of the United States and

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

15 shall either be or become a citizen of the state of Missouri
16 and resident of the city in which he or she is appointed as
17 chief of police. In order to secure and retain the highest
18 type of police leadership within the departments of such
19 cities, the [chief shall receive a salary of not less than
20 eighty thousand two hundred eleven dollars, nor more than
21 one hundred eighty-nine thousand seven hundred twenty-six
22 dollars per annum] **board shall establish a range for the**
23 **salary of the chief by resolution.**

84.510. 1. For the purpose of operation of the police
2 department herein created, the chief of police, with the
3 approval of the board, shall appoint such number of police
4 department employees, including police officers and civilian
5 employees as the chief of police from time to time deems
6 necessary.

7 2. The base annual compensation of police officers
8 shall be as follows for the several ranks:

9 (1) Lieutenant colonels, not to exceed five in number,
10 at not less than seventy-one thousand nine hundred sixty-
11 nine dollars[, nor more than one hundred forty-six thousand
12 one hundred twenty-four dollars per annum each];

13 (2) Majors at not less than sixty-four thousand six
14 hundred seventy-one dollars[, nor more than one hundred
15 thirty-three thousand three hundred twenty dollars per annum
16 each];

17 (3) Captains at not less than fifty-nine thousand five
18 hundred thirty-nine dollars[, nor more than one hundred
19 twenty-one thousand six hundred eight dollars per annum
20 each];

21 (4) Sergeants at not less than forty-eight thousand
22 six hundred fifty-nine dollars[, nor more than one hundred
23 six thousand five hundred sixty dollars per annum each];

24 (5) Master patrol officers at not less than fifty-six
25 thousand three hundred four dollars[, nor more than ninety-
26 four thousand three hundred thirty-two dollars per annum
27 each];

28 (6) Master detectives at not less than fifty-six
29 thousand three hundred four dollars[, nor more than ninety-
30 four thousand three hundred thirty-two dollars per annum
31 each];

32 (7) Detectives, investigators, and police officers at
33 not less than twenty-six thousand six hundred forty-three
34 dollars[, nor more than eighty-seven thousand six hundred
35 thirty-six dollars per annum each].

36 3. The board of police commissioners has the authority
37 by resolution to effect a comprehensive pay schedule program
38 to provide for step increases with separate pay rates within
39 each rank, **[in] using** the above-specified salary **minimums as**
40 **a base for such** ranges from police officers through chief of
41 police.

42 4. Officers assigned to wear civilian clothes in the
43 performance of their regular duties may receive an
44 additional one hundred fifty dollars per month clothing
45 allowance. Uniformed officers may receive seventy-five
46 dollars per month uniform maintenance allowance.

47 5. The chief of police, subject to the approval of the
48 board, shall establish the total regular working hours for
49 all police department employees, and the board has the
50 power, upon recommendation of the chief, to pay additional
51 compensation for all hours of service rendered in excess of
52 the established regular working period, but the rate of
53 overtime compensation shall not exceed one and one-half
54 times the regular hourly rate of pay to which each member
55 shall normally be entitled. No credit shall be given nor

56 deductions made from payments for overtime for the purpose
57 of retirement benefits.

58 6. The board of police commissioners, by majority
59 affirmative vote, including the mayor, has the authority by
60 resolution to authorize incentive pay in addition to the
61 base compensation as provided for in subsection 2 of this
62 section, to be paid police officers of any rank who they
63 determine are assigned duties which require an extraordinary
64 degree of skill, technical knowledge and ability, or which
65 are highly demanding or unusual. No credit shall be given
66 nor deductions made from these payments for the purpose of
67 retirement benefits.

68 7. The board of police commissioners may effect
69 programs to provide additional compensation for successful
70 completion of academic work at an accredited college or
71 university. No credit shall be given nor deductions made
72 from these payments for the purpose of retirement benefits.

73 8. The additional pay increments provided in
74 subsections 6 and 7 of this section shall not be considered
75 a part of the base compensation of police officers of any
76 rank and shall not exceed ten percent of what the officer
77 would otherwise be entitled to pursuant to subsections 2 and
78 3 of this section.

79 9. Not more than twenty-five percent of the officers
80 in any rank who are receiving the maximum rate of pay
81 authorized by subsections 2 and 3 of this section may
82 receive the additional pay increments authorized by
83 subsections 6 and 7 of this section at any given time.
84 However, any officer receiving a pay increment provided
85 pursuant to the provisions of subsections 6 and 7 of this
86 section shall not be deprived of such pay increment as a
87 result of the limitations of this subsection.

287.067. 1. In this chapter the term "occupational
2 disease" is hereby defined to mean, unless a different
3 meaning is clearly indicated by the context, an identifiable
4 disease arising with or without human fault out of and in
5 the course of the employment. Ordinary diseases of life to
6 which the general public is exposed outside of the
7 employment shall not be compensable, except where the
8 diseases follow as an incident of an occupational disease as
9 defined in this section. The disease need not to have been
10 foreseen or expected but after its contraction it must
11 appear to have had its origin in a risk connected with the
12 employment and to have flowed from that source as a rational
13 consequence.

14 2. An injury or death by occupational disease is
15 compensable only if the occupational exposure was the
16 prevailing factor in causing both the resulting medical
17 condition and disability. The "prevailing factor" is
18 defined to be the primary factor, in relation to any other
19 factor, causing both the resulting medical condition and
20 disability. Ordinary, gradual deterioration, or progressive
21 degeneration of the body caused by aging or by the normal
22 activities of day-to-day living shall not be compensable.

23 3. An injury due to repetitive motion is recognized as
24 an occupational disease for purposes of this chapter. An
25 occupational disease due to repetitive motion is compensable
26 only if the occupational exposure was the prevailing factor
27 in causing both the resulting medical condition and
28 disability. The "prevailing factor" is defined to be the
29 primary factor, in relation to any other factor, causing
30 both the resulting medical condition and disability.
31 Ordinary, gradual deterioration, or progressive degeneration

32 of the body caused by aging or by the normal activities of
33 day-to-day living shall not be compensable.

34 4. "Loss of hearing due to industrial noise" is
35 recognized as an occupational disease for purposes of this
36 chapter and is hereby defined to be a loss of hearing in one
37 or both ears due to prolonged exposure to harmful noise in
38 employment. "Harmful noise" means sound capable of
39 producing occupational deafness.

40 5. "Radiation disability" is recognized as an
41 occupational disease for purposes of this chapter and is
42 hereby defined to be that disability due to radioactive
43 properties or substances or to Roentgen rays (X-rays) or
44 exposure to ionizing radiation caused by any process
45 involving the use of or direct contact with radium or
46 radioactive properties or substances or the use of or direct
47 exposure to Roentgen rays (X-rays) or ionizing radiation.

48 6. Disease of the lungs or respiratory tract,
49 hypotension, hypertension, or disease of the heart or
50 cardiovascular system, including carcinoma, may be
51 recognized as occupational diseases for the purposes of this
52 chapter and are defined to be disability due to exposure to
53 smoke, gases, carcinogens, inadequate oxygen, of paid
54 firefighters of a paid fire department or paid police
55 officers of a paid police department certified under chapter
56 590 if a direct causal relationship is established, or
57 psychological stress of firefighters of a paid fire
58 department or paid peace officers of a police department who
59 are certified under chapter 590 if a direct causal
60 relationship is established.

61 7. Any employee who is exposed to and contracts any
62 contagious or communicable disease arising out of and in the

63 course of his or her employment shall be eligible for
64 benefits under this chapter as an occupational disease.

65 8. With regard to occupational disease due to
66 repetitive motion, if the exposure to the repetitive motion
67 which is found to be the cause of the injury is for a period
68 of less than three months and the evidence demonstrates that
69 the exposure to the repetitive motion with the immediate
70 prior employer was the prevailing factor in causing the
71 injury, the prior employer shall be liable for such
72 occupational disease.

73 9. (1) (a) **Posttraumatic stress disorder (PTSD), as**
74 **described in the Diagnostic and Statistical Manual of Mental**
75 **Health Disorders, Fifth Edition, published by the American**
76 **Psychiatric Association, (DSM-5) is recognized as a**
77 **compensable occupational disease for purposes of this**
78 **chapter when diagnosed in a first responder, as that term is**
79 **defined under section 67.145.**

80 (b) **Benefits payable to a first responder pursuant to**
81 **this section shall not require a physical injury to the**
82 **first responder, and are not subject to any preexisting PTSD.**

83 (2) **The time for notice of injury or death in cases of**
84 **compensable PTSD pursuant to this section is measured from**
85 **exposure to one of the qualifying stressors listed in the**
86 **DSM-5 criteria, or the diagnosis of the disorder, whichever**
87 **is later. Any claim for compensation for such injury shall**
88 **be properly noticed to the division within fifty-two weeks**
89 **after the qualifying exposure, or the diagnosis of the**
90 **disorder, whichever is later.**

575.010. The following definitions shall apply to this
2 chapter and chapter 576:

3 (1) "Affidavit" means any written statement which is
4 authorized or required by law to be made under oath, and

5 which is sworn to before a person authorized to administer
6 oaths;

7 (2) "Government" means any branch or agency of the
8 government of this state or of any political subdivision
9 thereof;

10 (3) "Highway" means any public road or thoroughfare
11 for vehicles, including state roads, county roads and public
12 streets, avenues, boulevards, parkways or alleys in any
13 municipality;

14 (4) "Judicial proceeding" means any official
15 proceeding in court, or any proceeding authorized by or held
16 under the supervision of a court;

17 (5) "Juror" means a grand or petit juror, including a
18 person who has been drawn or summoned to attend as a
19 prospective juror;

20 (6) "Jury" means a grand or petit jury, including any
21 panel which has been drawn or summoned to attend as
22 prospective jurors;

23 (7) **"Law enforcement animal" means a dog, horse, or**
24 **other animal used in law enforcement or a correctional**
25 **facility, or by a municipal police department, fire**
26 **department, search and rescue unit or agency, whether the**
27 **animal is on duty or not on duty. The term shall include,**
28 **but not be limited to, accelerant detection dogs, bomb**
29 **detection dogs, narcotic detection dogs, search and rescue**
30 **dogs, and tracking animals;**

31 (8) "Official proceeding" means any cause, matter, or
32 proceeding where the laws of this state require that
33 evidence considered therein be under oath or affirmation;

34 [(8) "Police animal" means a dog, horse or other
35 animal used in law enforcement or a correctional facility,
36 or by a municipal police department, fire department, search

37 and rescue unit or agency, whether the animal is on duty or
38 not on duty. The term shall include, but not be limited to,
39 accelerant detection dogs, bomb detection dogs, narcotic
40 detection dogs, search and rescue dogs and tracking animals;]

41 (9) "Public record" means any document which a public
42 servant is required by law to keep;

43 (10) "Testimony" means any oral statement under oath
44 or affirmation;

45 (11) "Victim" means any natural person against whom
46 any crime is deemed to have been perpetrated or attempted;

47 (12) "Witness" means any natural person:

48 (a) Having knowledge of the existence or nonexistence
49 of facts relating to any crime; or

50 (b) Whose declaration under oath is received as
51 evidence for any purpose; or

52 (c) Who has reported any crime to any peace officer or
53 prosecutor; or

54 (d) Who has been served with a subpoena issued under
55 the authority of any court of this state.

575.353. 1. **This section shall be known and may be
2 cited as "Max's Law".**

3 2. A person commits the offense of assault on a
4 [police] **law enforcement** animal if he or she knowingly
5 attempts to kill or disable or knowingly causes or attempts
6 to cause serious physical injury to a [police] **law**
7 **enforcement** animal when that animal is involved in law
8 enforcement investigation, apprehension, tracking, or
9 search, or the animal is in the custody of or under the
10 control of a law enforcement officer, department of
11 corrections officer, municipal police department, fire
12 department or a rescue unit or agency.

13 [2.] 3. The offense of assault on a [police] law
14 enforcement animal is a [class C misdemeanor, unless]:

15 (1) Class A misdemeanor, if the law enforcement animal
16 is not injured to the point of requiring veterinary care or
17 treatment;

18 (2) Class E felony if the law enforcement animal is
19 seriously injured to the point of requiring veterinary care
20 or treatment; and

21 (3) Class D felony if the assault results in the death
22 of such animal [or disables such animal to the extent it is
23 unable to be utilized as a police animal, in which case it
24 is a class E felony].

578.007. The provisions of section 574.130[,] and
2 sections 578.005 to 578.023 shall not apply to:

3 (1) Care or treatment performed by a licensed
4 veterinarian within the provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by
7 chapter 252, including all practices and privileges as
8 allowed under the Missouri Wildlife Code;

9 (4) Facilities and publicly funded zoological parks
10 currently in compliance with the federal "Animal Welfare
11 Act" as amended;

12 (5) Rodeo practices currently accepted by the
13 Professional Rodeo Cowboy's Association;

14 (6) The killing of an animal by the owner thereof, the
15 agent of such owner, or by a veterinarian at the request of
16 the owner thereof;

17 (7) The lawful, humane killing of an animal by an
18 animal control officer, the operator of an animal shelter, a
19 veterinarian, or law enforcement or health official;

20 (8) With respect to farm animals, normal or accepted
21 practices of animal husbandry;

22 (9) The killing of an animal by any person at any time
23 if such animal is outside of the owned or rented property of
24 the owner or custodian of such animal and the animal is
25 injuring any person or farm animal, but **this exemption** shall
26 not include [police or guard dogs] **the killing or injuring**
27 **of a law enforcement animal** while working;

28 (10) The killing of house or garden pests; or

29 (11) Field trials, training and hunting practices as
30 accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of
2 which is employed, by a law enforcement agency and that
3 bites **or injures** another animal or human in the course of
4 their official duties is exempt from the provisions of
5 sections 273.033 [and], 273.036 [and section], **578.012, and**
6 578.024.

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