

FIRST REGULAR SESSION

SENATE BILL NO. 626

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

2471S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 84.344 and 285.040, RSMo, and to enact in lieu thereof two new sections relating to residency requirements for employees of the city of St. Louis.

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

Section A. Sections 84.344 and 285.040, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 84.344 and 285.040, to read as follows:

84.344. 1. Notwithstanding any provisions of this
2 chapter to the contrary, any city not within a county may
3 establish a municipal police force on or after July 1, 2013,
4 according to the procedures and requirements of this
5 section. The purpose of these procedures and requirements
6 is to provide for an orderly and appropriate transition in
7 the governance of the police force and provide for an
8 equitable employment transition for commissioned and
9 civilian personnel.

10 2. Upon the establishment of a municipal police force
11 by a city under sections 84.343 to 84.346, the board of
12 police commissioners shall convey, assign, and otherwise
13 transfer to the city title and ownership of all indebtedness
14 and assets, including, but not limited to, all funds and
15 real and personal property held in the name of or controlled
16 by the board of police commissioners created under sections
17 84.010 to 84.340. The board of police commissioners shall

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

18 execute all documents reasonably required to accomplish such
19 transfer of ownership and obligations.

20 3. If the city establishes a municipal police force
21 and completes the transfer described in subsection 2 of this
22 section, the city shall provide the necessary funds for the
23 maintenance of the municipal police force.

24 4. Before a city not within a county may establish a
25 municipal police force under this section, the city shall
26 adopt an ordinance accepting responsibility, ownership, and
27 liability as successor-in-interest for contractual
28 obligations, indebtedness, and other lawful obligations of
29 the board of police commissioners subject to the provisions
30 of subsection 2 of section 84.345.

31 5. A city not within a county that establishes a
32 municipal police force shall initially employ, without a
33 reduction in rank, salary, or benefits, all commissioned and
34 civilian personnel of the board of police commissioners
35 created under sections 84.010 to 84.340 that were employed
36 by the board immediately prior to the date the municipal
37 police force was established. Such commissioned personnel
38 who previously were employed by the board may only be
39 involuntarily terminated by the city not within a county for
40 cause. The city shall also recognize all accrued years of
41 service that such commissioned and civilian personnel had
42 with the board of police commissioners. Such personnel
43 shall be entitled to the same holidays, vacation, and sick
44 leave they were entitled to as employees of the board of
45 police commissioners.

46 6. (1) Commissioned and civilian personnel of a
47 municipal police force established under this section who
48 are hired prior to September 1, [2023] 2028, shall not be
49 subject to a residency requirement of retaining a primary

50 residence in a city not within a county but may be required
51 to maintain a primary residence located within a one-hour
52 response time.

53 (2) Commissioned and civilian personnel of a municipal
54 police force established under this section who are hired
55 after August 31, [2023] 2028, may be subject to a residency
56 rule no more restrictive than a requirement of retaining a
57 primary residence in a city not within a county for a total
58 of seven years and of then allowing the personnel to
59 maintain a primary residence outside the city not within a
60 county so long as the primary residence is located within a
61 one-hour response time.

62 7. The commissioned and civilian personnel who retire
63 from service with the board of police commissioners before
64 the establishment of a municipal police force under
65 subsection 1 of this section shall continue to be entitled
66 to the same pension benefits provided under chapter 86 and
67 the same benefits set forth in subsection 5 of this section.

68 8. If the city not within a county elects to establish
69 a municipal police force under this section, the city shall
70 establish a separate division for the operation of its
71 municipal police force. The civil service commission of the
72 city may adopt rules and regulations appropriate for the
73 unique operation of a police department. Such rules and
74 regulations shall reserve exclusive authority over the
75 disciplinary process and procedures affecting commissioned
76 officers to the civil service commission; however, until
77 such time as the city adopts such rules and regulations, the
78 commissioned personnel shall continue to be governed by the
79 board of police commissioner's rules and regulations in
80 effect immediately prior to the establishment of the
81 municipal police force, with the police chief acting in

82 place of the board of police commissioners for purposes of
83 applying the rules and regulations. Unless otherwise
84 provided for, existing civil service commission rules and
85 regulations governing the appeal of disciplinary decisions
86 to the civil service commission shall apply to all
87 commissioned and civilian personnel. The civil service
88 commission's rules and regulations shall provide that
89 records prepared for disciplinary purposes shall be
90 confidential, closed records available solely to the civil
91 service commission and those who possess authority to
92 conduct investigations regarding disciplinary matters
93 pursuant to the civil service commission's rules and
94 regulations. A hearing officer shall be appointed by the
95 civil service commission to hear any such appeals that
96 involve discipline resulting in a suspension of greater than
97 fifteen days, demotion, or termination, but the civil
98 service commission shall make the final findings of fact,
99 conclusions of law, and decision which shall be subject to
100 any right of appeal under chapter 536.

101 9. A city not within a county that establishes and
102 maintains a municipal police force under this section:

103 (1) Shall provide or contract for life insurance
104 coverage and for insurance benefits providing health,
105 medical, and disability coverage for commissioned and
106 civilian personnel of the municipal police force to the same
107 extent as was provided by the board of police commissioners
108 under section 84.160;

109 (2) Shall provide or contract for medical and life
110 insurance coverage for any commissioned or civilian
111 personnel who retired from service with the board of police
112 commissioners or who were employed by the board of police
113 commissioners and retire from the municipal police force of

114 a city not within a county to the same extent such medical
115 and life insurance coverage was provided by the board of
116 police commissioners under section 84.160;

117 (3) Shall make available medical and life insurance
118 coverage for purchase to the spouses or dependents of
119 commissioned and civilian personnel who retire from service
120 with the board of police commissioners or the municipal
121 police force and deceased commissioned and civilian
122 personnel who receive pension benefits under sections 86.200
123 to 86.366 at the rate that such dependent's or spouse's
124 coverage would cost under the appropriate plan if the
125 deceased were living; and

126 (4) May pay an additional shift differential
127 compensation to commissioned and civilian personnel for
128 evening and night tours of duty in an amount not to exceed
129 ten percent of the officer's base hourly rate.

130 10. A city not within a county that establishes a
131 municipal police force under sections 84.343 to 84.346 shall
132 establish a transition committee of five members for the
133 purpose of: coordinating and implementing the transition of
134 authority, operations, assets, and obligations from the
135 board of police commissioners to the city; winding down the
136 affairs of the board; making nonbinding recommendations for
137 the transition of the police force from the board to the
138 city; and other related duties, if any, established by
139 executive order of the city's mayor. Once the ordinance
140 referenced in this section is enacted, the city shall
141 provide written notice to the board of police commissioners
142 and the governor of the state of Missouri. Within thirty
143 days of such notice, the mayor shall appoint three members
144 to the committee, two of whom shall be members of a
145 statewide law enforcement association that represents at

146 least five thousand law enforcement officers. The remaining
147 members of the committee shall include the police chief of
148 the municipal police force and a person who currently or
149 previously served as a commissioner on the board of police
150 commissioners, who shall be appointed to the committee by
151 the mayor of such city.

285.040. 1. As used in this section, "public safety
2 employee" shall mean a person trained or authorized by law
3 or rule to render emergency medical assistance or treatment,
4 including, but not limited to, firefighters, ambulance
5 attendants and attendant drivers, emergency medical
6 technicians, emergency medical technician paramedics,
7 dispatchers, registered nurses, physicians, and sheriffs and
8 deputy sheriffs.

9 2. No public safety employee **or any other employee** of
10 a city not within a county who is hired prior to September
11 1, [2023] 2028, shall be subject to a residency requirement
12 of retaining a primary residence in a city not within a
13 county but may be required to maintain a primary residence
14 located within a one-hour response time.

15 3. Public safety employees of a city not within a
16 county who are hired after August 31, [2023] 2028, may be
17 subject to a residency rule no more restrictive than a
18 requirement of retaining a primary residence in a city not
19 within a county for a total of seven years and of then
20 allowing the public safety employee to maintain a primary
21 residence outside the city not within a county so long as
22 the primary residence is located within a one-hour response
23 time.

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