

FIRST REGULAR SESSION

# SENATE BILL NO. 78

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

0639S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, and 105.726, RSMo, and to enact in lieu thereof eleven new sections relating to the operation of certain law enforcement agencies, with penalty provisions.

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

Section A. Sections 84.020, 84.030, 84.100, 84.140, 2 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 3 84.344, 84.345, 84.346, 84.347, and 105.726, RSMo, are repealed 4 and eleven new sections enacted in lieu thereof, to be known as 5 sections 84.012, 84.020, 84.030, 84.100, 84.140, 84.150, 6 84.160, 84.170, 84.225, 84.325, and 105.726, to read as follows:

**84.012. In all cities of this state not within a**  
2 **county, the common council or municipal assembly of such**  
3 **cities may pass ordinances for preserving order; securing**  
4 **property and persons from violence, danger, or destruction;**  
5 **protecting public and private property; and promoting the**  
6 **interests and ensuring the good governance of the cities,**  
7 **but no ordinances heretofore passed, or that may hereafter**  
8 **be passed, by the common council or municipal assembly of**  
9 **the cities shall, in any manner, conflict or interfere with**  
10 **the powers or the exercise of the powers of the boards of**  
11 **police commissioners of the cities as created by section**  
12 **84.020, nor shall the cities or any officer or agent of the**  
13 **corporation of the cities, or the mayor thereof, in any**

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

14 **manner impede, obstruct, hinder, or interfere with the**  
15 **boards of police or any officer, or agent or servant thereof**  
16 **or thereunder.**

84.020. In all cities of this state that now have, or  
2 may hereafter attain, a population of five hundred thousand  
3 inhabitants or over, there shall be, and is hereby  
4 established, within and for said cities, a board of police,  
5 to consist of four commissioners, as provided in sections  
6 84.040 to 84.080, together with the **[mayor]president of the**  
7 **board of aldermen** of said cities for the time being, or  
8 whosoever may be officially acting in that capacity, and  
9 said board shall appoint one of its members as president,  
10 and one member who shall act as vice president during the  
11 absence of the president; and such president or vice  
12 president shall be the executive officer of the board and  
13 shall act for it when the board is not in session.

84.030. Beginning on **[January 9, 1989]August 28, 2023,**  
2 **and no later than September 28, 2023,** the governor of the  
3 state of Missouri, by and with the advice and consent of the  
4 senate, shall appoint the four commissioners provided for in  
5 section 84.020, and one commissioner shall be appointed for  
6 a term of one year; one commissioner shall be appointed for  
7 a term of two years; one commissioner shall be appointed for  
8 a term of three years; one commissioner shall be appointed  
9 for a term of four years. Their successors shall each be  
10 appointed for a term of four years, and said commissioners  
11 shall hold office for their term of appointment and until  
12 their successors shall have been appointed and qualified.  
13 In case of a vacancy in said board for any cause whatsoever,  
14 it shall be filled by appointment for the unexpired term, in  
15 the same manner as in the case of original appointments.  
16 The governor shall issue commissions to the persons so

17 appointed, designating the time for which they are appointed  
18 in case the appointment is to fill an unexpired term  
19 occasioned by death, resignation or any other cause, and  
20 whenever the term of office of any commissioner expires, the  
21 appointment of his successor shall be for four years. [The  
22 commissioners now holding offices under existing laws in any  
23 city of this state to which sections 84.010 to 84.340 apply  
24 are to hold their offices until the expiration of their  
25 terms, and their successors are duly appointed and  
26 qualified.]

84.100. To enable the boards to perform the duties  
2 imposed upon them, they are hereby authorized and required  
3 to appoint, enroll and employ a permanent police force for  
4 the cities which they shall equip and arm as they may judge  
5 necessary. Except as provided below, the number of  
6 patrolmen to be appointed shall not be [more]less than one  
7 thousand [six]one hundred [eighty-three]forty-two of which  
8 number not more than two hundred fifty are to be  
9 probationary patrolmen. Any increase in the number of  
10 patrolmen authorized, in addition to that provided for  
11 above, shall be permitted upon recommendation by the board  
12 of police commissioners, with the approval of the municipal  
13 board of estimate and apportionment. [The number of  
14 turnkeys to be appointed shall be sixty-five, except that  
15 for each patrolman hereafter promoted, demoted, removed,  
16 resigned or otherwise separated from the force, an  
17 additional turnkey may be appointed, but under no  
18 circumstances shall more than one hundred fifty turnkeys be  
19 appointed. As each additional turnkey is appointed, the  
20 maximum number of patrolmen to be appointed shall be reduced  
21 accordingly so that when one hundred fifty turnkeys have  
22 been appointed, the number of patrolmen to be appointed

23 shall not be more than one thousand five hundred ninety-  
24 eight] **The board may continue to employ as many**  
25 **noncommissioned police civilians, which shall include city**  
26 **marshals and park rangers, as it deems necessary in order to**  
27 **perform the duties imposed upon them.**

84.140. The boards shall grant every member of the  
2 police force who has served for one year or more a total of  
3 three weeks vacation each year with pay, and each member of  
4 the police force who has served the department for  
5 [twelve] **five** years or more shall receive [four] **five** weeks  
6 vacation each year with pay, and each member of the police  
7 force who has served the department for [twenty-one] **ten**  
8 years or more shall receive [five] **six** weeks vacation each  
9 year with pay, and each member of the police force who has  
10 served the department for [thirty] **fifteen** years or more [and  
11 is eligible to participate in the deferred retirement option  
12 plan] shall receive [six] **seven** weeks vacation each year with  
13 pay[; however the board may grant an additional week of paid  
14 vacation to members after one year of service], **and each**  
15 **member of the police force who has served the department for**  
16 **twenty years or more shall receive eight weeks vacation each**  
17 **year with pay.** All members of the police force shall  
18 receive [fifteen] **sixteen** holidays with pay, however the  
19 board may grant additional holidays with pay, and one  
20 hundred four days off duty each year with pay, and the  
21 boards may from time to time grant additional days off duty  
22 each year with pay when in the judgment of the boards, the  
23 granting thereof will not materially impair the efficiency  
24 of the department.

84.150. The **maximum number of** officers of the police  
2 force **in each rank** in each such city shall be as follows:  
3 one chief of police with the rank of colonel; **one assistant**

4 **chief of police with the rank of lieutenant colonel; four**  
5 **additional** lieutenant colonels[, not to exceed five in  
6 number and other such ranks and number of members within  
7 such ranks as the board from time to time deems necessary];  
8 **ten captains; fifty-seven lieutenants; and one hundred**  
9 **eighty-eight sergeants. No further appointments to the rank**  
10 **of major shall hereafter be made, but all members of the**  
11 **force now holding the rank of major shall continue in such**  
12 **rank until their promotion, demotion, removal, resignation,**  
13 **or other separation from the force.** The officers of the  
14 police force shall have commissions issued to them by the  
15 boards of police commissioners, and those heretofore and  
16 those hereafter commissioned shall serve so long as they  
17 shall faithfully perform their duties and possess the  
18 necessary mental and physical ability, and be subject to  
19 removal only for cause after a hearing by the board, who are  
20 hereby invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006]2023, the board of  
2 police commissioners shall have the authority to compute and  
3 establish the annual salary of each member of the police  
4 force without receiving prior authorization from the general  
5 assembly, **which shall not be less than the annual salary**  
6 **paid to any member at the time of the enactment of this act**  
7 **and which annual salary shall increase by no less than four**  
8 **thousand dollars as of July 1, 2024.**

9 2. Each officer of police and patrolman whose regular  
10 assignment requires nonuniformed attire may receive, in  
11 addition to his or her salary, an allowance not to exceed  
12 three hundred sixty dollars per annum payable biweekly.  
13 Notwithstanding the provisions of subsection 1 of this  
14 section to the contrary, no additional compensation or  
15 compensatory time off for overtime, court time, or standby

16 court time shall be paid or allowed to any officer of the  
17 rank of **[sergeant]lieutenant** or above. Notwithstanding any  
18 other provision of law to the contrary, nothing in this  
19 section shall prohibit the payment of additional  
20 compensation pursuant to this subsection to officers of the  
21 ranks of sergeants and above, provided that funding for such  
22 compensation shall not:

23 (1) Be paid from the general funds of either the city  
24 or the board of police commissioners of the city; or

25 (2) Be violative of any federal law or other state law.

26 3. It is the duty of the municipal assembly or common  
27 council of the cities to make the necessary appropriation  
28 for the expenses of the maintenance of the police force in  
29 the manner herein and hereafter provided; provided, that in  
30 no event shall such municipal assembly or common council be  
31 required to appropriate for such purposes (including, but  
32 not limited to, costs of funding pensions or retirement  
33 plans) for any fiscal year a sum in excess of any limitation  
34 imposed by article X, section 21, Missouri Constitution; and  
35 provided further, that such municipal assembly or common  
36 council may appropriate a sum in excess of such limitation  
37 for any fiscal year by an appropriations ordinance enacted  
38 in conformity with the provisions of the charter of such  
39 cities.

40 4. Notwithstanding the provisions of subsection 1 of  
41 this section to the contrary, the board of police  
42 commissioners shall pay additional compensation for all  
43 hours of service rendered by probationary patrolmen **[and]**,  
44 patrolmen, **and sergeants** in excess of the established  
45 regular working period, and the rate of compensation shall  
46 be one and one-half times the regular hourly rate of pay to  
47 which each member shall normally be entitled; except that,

48 the court time and court standby time shall be paid at the  
49 regular hourly rate of pay to which each member shall  
50 normally be entitled. No credit shall be given or  
51 deductions made from payments for overtime for the purpose  
52 of retirement benefits.

53 5. Notwithstanding the provisions of subsection 1 of  
54 this section to the contrary, probationary patrolmen [and],  
55 patrolmen, **and sergeants** shall receive additional  
56 compensation for authorized overtime, court time and court  
57 standby time whenever the total accumulated time exceeds  
58 forty hours. The accumulated forty hours shall be taken as  
59 compensatory time off at the officer's discretion with the  
60 approval of his supervisor.

61 6. The allowance of compensation or compensatory time  
62 off for court standby time shall be computed at the rate of  
63 one-third of one hour for each hour spent on court standby  
64 time.

65 7. The board of police commissioners [may] **shall** effect  
66 programs to provide additional compensation to its employees  
67 for successful completion of academic work at an accredited  
68 college or university, in amounts not to exceed ten percent  
69 of their yearly salaries or for field training officer and  
70 lead officer responsibilities in amounts not to exceed three  
71 percent of their yearly salaries for field training officer  
72 responsibilities and an additional three percent of their  
73 yearly salaries for lead officer responsibilities. The  
74 board may designate up to one hundred fifty employees as  
75 field training officers and up to fifty employees as lead  
76 officers.

77 8. The board of police commissioners:

78 (1) Shall provide or contract for life insurance  
79 coverage and for insurance benefits providing health,

80 medical and disability coverage for officers and employees  
81 of the department;

82 (2) Shall provide or contract for insurance coverage  
83 providing salary continuation coverage for officers and  
84 employees of the police department;

85 (3) Shall provide health, medical, and life insurance  
86 coverage for retired officers and employees of the police  
87 department. Health, medical and life insurance coverage  
88 shall be made available for purchase to the spouses or  
89 dependents of deceased retired officers and employees of the  
90 police department who receive pension benefits pursuant to  
91 sections 86.200 to 86.364 at the rate that such dependent's  
92 or spouse's coverage would cost under the appropriate plan  
93 if the deceased were living;

94 (4) May pay an additional shift differential  
95 compensation to members of the police force for evening and  
96 night tour of duty in an amount not to exceed ten percent of  
97 the officer's base hourly rate.

98 9. Notwithstanding the provisions of subsection 1 of  
99 this section to the contrary, the board of police  
100 commissioners shall pay additional compensation to members  
101 of the police force up to and including the rank of police  
102 officer for any full hour worked between the hours of 11:00  
103 p.m. and 7:00 a.m., in amounts equal to **[five]ten** percent of  
104 the officer's base hourly pay.

105 10. The board of police commissioners, from time to  
106 time and in its discretion, may pay additional compensation  
107 to police officers, sergeants and lieutenants by paying  
108 commissioned officers in the aforesaid ranks for  
109 accumulated, unused vacation time. Any such payments shall  
110 be made in increments of not less than forty hours, and at  
111 rates equivalent to the base straight-time rates being



112 earned by said officers at the time of payment; except that,  
113 no such officer shall be required to accept payment for  
114 accumulated unused vacation time.

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

16 2. The boards of police are hereby authorized to make  
17 all such rules and regulations, not inconsistent with  
18 sections 84.010 to 84.340, or other laws of the state, as  
19 they may judge necessary, for the appointment, employment,  
20 uniforming, discipline, trial and government of the police.  
21 **At the time of the effective date of this act and until such**  
22 **time as the board adopts other investigative and**  
23 **disciplinary policies and procedures not inconsistent with**  
24 **section 590.502, discipline and investigative procedures for**  
25 **commissioned and civilian employees of the police force**  
26 **shall be regulated by rule 7 of the police manual of the**  
27 **police department in effect as of November 4, 2013; except**  
28 **that, where rule 7 is in conflict with section 590.502, the**  
29 **board shall comply with the requirements of section**

30 590.502. Under no circumstances shall the board initially  
31 or hereafter adopt investigative and disciplinary procedures  
32 that do not include the summary hearing board procedures  
33 provided for in rule 7 of the police manual of the police  
34 department in effect as of November 4, 2013. The said  
35 boards shall also have power to require of any officer or  
36 policeman bond with sureties when they may consider it  
37 demanded by the public interests. All lawful rules and  
38 regulations of the board shall be obeyed by the police force  
39 on pain of dismissal or such lighter punishment, either by  
40 suspension, fine, reduction or forfeiture of pay, or  
41 otherwise as the boards may adjudge.

42 3. The authority possessed by the board of police  
43 includes, but is not limited to, the authority to delegate  
44 portions of its powers authorized in section 84.120,  
45 including presiding over a disciplinary hearing, to a  
46 hearing officer as determined by the board.

84.225. Any officer or servant of the mayor or common  
2 council or municipal assembly of the cities, or other  
3 persons whatsoever, who forcibly resists or obstructs the  
4 execution or enforcement of any of the provisions of  
5 sections 84.010 to 84.340 or relating to the same, or who  
6 disburses or fails to disburse any money in violation  
7 thereof, or who hinders or obstructs the organization or  
8 maintenance of the board of police or the police force  
9 therein provided to be organized and maintained, or who  
10 maintains or controls any police force other than the one  
11 therein provided for, or who delays or hinders the due  
12 enforcement of sections 84.010 to 84.340 by failing or  
13 neglecting to perform the duties by such sections imposed  
14 upon him or her, shall be subject to a penalty of one  
15 thousand dollars for each offense, recoverable by the boards

16 by action at law in the name of the state, and shall forever  
17 thereafter be disqualified from holding or exercising any  
18 office or employment whatsoever under the mayor or common  
19 council or municipal assembly of such cities, or under  
20 sections 84.010 to 84.340; provided that, nothing in this  
21 section shall be construed to interfere with the punishment,  
22 under any existing or any future laws of this state, of any  
23 criminal offense that is committed by the parties in or  
24 about the resistance, obstruction, hindrance, conspiracy,  
25 combination, or disbursement aforesaid.

84.325. 1. On August 28, 2023, the board of police  
2 commissioners shall assume control of any municipal police  
3 force established within any city not within a county  
4 according to the procedures and requirements of this section  
5 and any rules promulgated under subsection 6 of this  
6 section. The purpose of these procedures and requirements  
7 is to provide for an orderly and appropriate transition in  
8 the governance of the police force and provide for an  
9 equitable employment transition for commissioned and  
10 civilian personnel.

11 2. Upon the assumption of control by the board of  
12 police commissioners under subsection 1 of this section, any  
13 municipal police department within any city not within a  
14 county shall convey, assign, and otherwise transfer to the  
15 board title and ownership of all indebtedness and assets,  
16 including, but not limited to, all funds and real and  
17 personal property held in the name of or controlled by the  
18 municipal police department. Such city shall thereafter  
19 cease the operation of any police department or police force.

20 3. Upon the assumption of control by the board of  
21 police commissioners under subsection 1 of this section, the  
22 state shall accept responsibility, ownership, and liability

23 as successor-in-interest for contractual obligations and  
24 other lawful obligations of the municipal police department.

25 4. The board of police commissioners shall initially  
26 employ, without a reduction in rank, salary, or benefits,  
27 all commissioned and civilian personnel of the municipal  
28 police department who were employed by the municipal police  
29 department immediately prior to the date the board assumed  
30 control. The board shall recognize all accrued years of  
31 service that such commissioned and civilian personnel had  
32 with the municipal police department, as well as all accrued  
33 years of service that such commissioned and civilian  
34 personnel had previously with the board of police  
35 commissioners. Such personnel shall be entitled to the same  
36 holidays, vacation, sick leave, sick bonus time, and annual  
37 step-increases they were entitled to as employees of the  
38 municipal police department.

39 5. The commissioned and civilian personnel who retire  
40 from service with the municipal police department before the  
41 board of police commissioners assumed control of the  
42 department under subsection 1 of this section shall continue  
43 to be entitled to the same pension benefits provided as  
44 employees of the municipal police department and the same  
45 benefits set forth in subsection 4 of this section.

46 6. The board of police commissioners may promulgate  
47 all necessary rules and regulations for the implementation  
48 and administration of this section. Any rule or portion of  
49 a rule, as that term is defined in section 536.010, that is  
50 created under the authority delegated in this section shall  
51 become effective only if it complies with and is subject to  
52 all of the provisions of chapter 536 and, if applicable,  
53 section 536.028. This section and chapter 536 are  
54 nonseverable and if any of the powers vested with the

55 **general assembly pursuant to chapter 536 to review, to delay**  
56 **the effective date, or to disapprove and annul a rule are**  
57 **subsequently held unconstitutional, then the grant of**  
58 **rulemaking authority and any rule proposed or adopted after**  
59 **August 28, 2023, shall be invalid and void.**

105.726. 1. Nothing in sections 105.711 to 105.726  
2 shall be construed to broaden the liability of the state of  
3 Missouri beyond the provisions of sections 537.600 to  
4 537.610, nor to abolish or waive any defense at law which  
5 might otherwise be available to any agency, officer, or  
6 employee of the state of Missouri. Sections 105.711 to  
7 105.726 do not waive the sovereign immunity of the state of  
8 Missouri.

9 2. The creation of the state legal expense fund and  
10 the payment therefrom of such amounts as may be necessary  
11 for the benefit of any person covered thereby are deemed  
12 necessary and proper public purposes for which funds of this  
13 state may be expended.

14 3. Moneys in the state legal expense fund shall not be  
15 available for the payment of any claim or any amount  
16 required by any final judgment rendered by a court of  
17 competent jurisdiction against a board of police  
18 commissioners established under chapter 84, including the  
19 commissioners, any police officer, notwithstanding sections  
20 84.330 and 84.710, or other provisions of law, other  
21 employees, agents, representative, or any other individual  
22 or entity acting or purporting to act on its or their  
23 behalf. Such was the intent of the general assembly in the  
24 original enactment of sections 105.711 to 105.726, and it is  
25 made express by this section in light of the decision in  
26 Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d  
27 275. Except that the commissioner of administration shall

28 reimburse from the legal expense fund the board of police  
29 commissioners established under [section 84.350, and any  
30 successor-in-interest established pursuant to section  
31 84.344,]chapter 84 for liability claims otherwise eligible  
32 for payment under section 105.711 paid by such [board]boards  
33 on a twenty-one equal share basis per claim up to a maximum  
34 of one million dollars per fiscal year.

35 4. [Subject to the provisions of subsection 2 of  
36 section 84.345,] If the representation of the attorney  
37 general is requested by a board of police commissioners [or  
38 its successor-in-interest established pursuant to section  
39 84.344], the attorney general shall represent, investigate,  
40 defend, negotiate, or compromise all claims under sections  
41 105.711 to 105.726 for the board of police commissioners,  
42 its successor-in-interest pursuant to section 84.344, any  
43 police officer, other employees, agents, representatives, or  
44 any other individual or entity acting or purporting to act  
45 on their behalf. The attorney general may establish  
46 procedures by rules promulgated under chapter 536 under  
47 which claims must be referred for the attorney general's  
48 representation. The attorney general and the officials of  
49 the city which the police board represents [or represented]  
50 shall meet and negotiate reasonable expenses or charges that  
51 will fairly compensate the attorney general and the office  
52 of administration for the cost of the representation of the  
53 claims under this section.

54 5. Claims tendered to the attorney general promptly  
55 after the claim was asserted as required by section 105.716  
56 and prior to August 28, 2005, may be investigated, defended,  
57 negotiated, or compromised by the attorney general and full  
58 payments may be made from the state legal expense fund on  
59 behalf of the entities and individuals described in this

60 section as a result of the holding in Wayman Smith, III, et  
61 al. v. State of Missouri, 152 S.W.3d 275.

2 [84.175. 1. Upon recommendation of the  
3 chief of police, the board may authorize and  
4 provide for the organization of a police reserve  
5 force composed of members who receive a service  
6 retirement under the provisions of sections  
7 86.200 to 86.366 and who qualify under the  
8 provisions of section 84.120. Such reserve  
9 force shall be under the command of the chief of  
10 police and shall be provided training,  
11 equipment, uniforms, and arms as the chief shall  
12 direct with the approval of the board. Members  
13 of the reserve force shall possess all of the  
14 powers of regular police officers and shall be  
15 subject to all laws and regulations applicable  
16 to police officers; provided, however, that the  
17 city council or other governing body of any such  
18 city may in its discretion fix a total in number  
19 which the reserve force may not exceed.]

20 2. In event of riot or other emergencies  
21 as declared and defined by the mayor, in  
22 concurrence with the board, the board, upon  
23 recommendation of the chief, may appoint special  
24 officers or patrolmen for temporary service in  
25 addition to the police reserve force herein  
26 provided for, but the length of time for which  
27 such officers or patrolmen shall be employed  
28 shall be limited to the time during which such  
emergency shall exist.]

2 [84.240. The board of police commissioners  
3 shall establish the Bertillon system of  
4 identification of criminals and others by means  
5 of anthropometric indications, and they are  
6 further required to employ such additional  
7 assistance as may be necessary to properly  
conduct and manage this department.]

2 [84.341. No elected or appointed official  
3 of the state or any political subdivision  
4 thereof shall act or refrain from acting in any  
5 manner to impede, obstruct, hinder, or otherwise  
6 interfere with any member of a municipal police  
7 force established under sections 84.343 to  
8 84.346 in the performance of his or her job  
9 duties, or with any aspect of any investigation  
10 arising from the performance of such job  
11 duties. This section shall not be construed to  
12 prevent such officials from acting within the  
13 normal course and scope of their employment or  
14 from acting to implement sections 84.343 to  
15 84.346. Any person who violates this section  
16 shall be liable for a penalty of two thousand  
17 five hundred dollars for each offense and shall  
forever be disqualified from holding any office

18 or employment whatsoever with the governmental  
19 entity the person served at the time of the  
20 violation. The penalty shall not be paid by the  
21 funds of any committee as the term committee is  
22 defined in section 130.011. This section shall  
23 not be construed to interfere with the  
24 punishment, under any laws of this state, of a  
25 criminal offense committed by such officials,  
26 nor shall this section apply to duly appointed  
27 members of the municipal police force, or their  
28 appointing authorities, whose conduct is  
29 otherwise provided for by law.]

2 [84.342. 1. It shall be an unlawful  
3 employment practice for an official, employee,  
4 or agent of a municipal police force established  
5 under sections 84.343 to 84.346 to discharge,  
6 demote, reduce the pay of, or otherwise  
7 retaliate against an employee of the municipal  
8 police force for reporting to any superior,  
9 government agency, or the press the conduct of  
10 another employee that the reporting employee  
11 believes, in good faith, is illegal.]

12 2. Any employee of the municipal police  
13 force may bring a cause of action for general or  
14 special damages based on a violation of this  
section.]

2 [84.343. 1. Subject to the provisions of  
3 sections 84.344 to 84.346, any city not within a  
4 county may establish a municipal police force  
5 for the purposes of:

6 (1) Preserving the public peace, welfare,  
7 and order;

8 (2) Preventing crime and arresting  
9 suspected offenders;

10 (3) Enforcing the laws of the state and  
11 ordinances of the city;

12 (4) Exercising all powers available to a  
13 police force under generally applicable state  
14 law; and

15 (5) Regulating and licensing all private  
16 watchmen, private detectives, and private  
17 policemen serving or acting as such in said city.

18 2. Any person who acts as a private  
19 watchman, private detective, or private  
20 policeman in said cities without having obtained  
21 a written license from said cities is guilty of  
a class A misdemeanor.]

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



9 the police force and provide for an equitable  
10 employment transition for commissioned and  
11 civilian personnel.

12 2. Upon the establishment of a municipal  
13 police force by a city under sections 84.343 to  
14 84.346, the board of police commissioners shall  
15 convey, assign, and otherwise transfer to the  
16 city title and ownership of all indebtedness and  
17 assets, including, but not limited to, all funds  
18 and real and personal property held in the name  
19 of or controlled by the board of police  
20 commissioners created under sections 84.010 to  
21 84.340. The board of police commissioners shall  
22 execute all documents reasonably required to  
23 accomplish such transfer of ownership and  
24 obligations.

25 3. If the city establishes a municipal  
26 police force and completes the transfer  
27 described in subsection 2 of this section, the  
28 city shall provide the necessary funds for the  
29 maintenance of the municipal police force.

30 4. Before a city not within a county may  
31 establish a municipal police force under this  
32 section, the city shall adopt an ordinance  
33 accepting responsibility, ownership, and  
34 liability as successor-in-interest for  
35 contractual obligations, indebtedness, and other  
36 lawful obligations of the board of police  
37 commissioners subject to the provisions of  
38 subsection 2 of section 84.345.

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

58 6. (1) Commissioned and civilian  
59 personnel of a municipal police force  
60 established under this section who are hired  
61 prior to September 1, 2023, shall not be subject  
62 to a residency requirement of retaining a  
63 primary residence in a city not within a county  
64 but may be required to maintain a primary

65 residence located within a one-hour response  
66 time.

67 (2) Commissioned and civilian personnel of  
68 a municipal police force established under this  
69 section who are hired after August 31, 2023, may  
70 be subject to a residency rule no more  
71 restrictive than a requirement of retaining a  
72 primary residence in a city not within a county  
73 for a total of seven years and of then allowing  
74 the personnel to maintain a primary residence  
75 outside the city not within a county so long as  
76 the primary residence is located within a one-  
77 hour response time.

78 7. The commissioned and civilian personnel  
79 who retire from service with the board of police  
80 commissioners before the establishment of a  
81 municipal police force under subsection 1 of  
82 this section shall continue to be entitled to  
83 the same pension benefits provided under chapter  
84 86 and the same benefits set forth in subsection  
85 5 of this section.

86 8. If the city not within a county elects  
87 to establish a municipal police force under this  
88 section, the city shall establish a separate  
89 division for the operation of its municipal  
90 police force. The civil service commission of  
91 the city may adopt rules and regulations  
92 appropriate for the unique operation of a police  
93 department. Such rules and regulations shall  
94 reserve exclusive authority over the  
95 disciplinary process and procedures affecting  
96 commissioned officers to the civil service  
97 commission; however, until such time as the city  
98 adopts such rules and regulations, the  
99 commissioned personnel shall continue to be  
100 governed by the board of police commissioner's  
101 rules and regulations in effect immediately  
102 prior to the establishment of the municipal  
103 police force, with the police chief acting in  
104 place of the board of police commissioners for  
105 purposes of applying the rules and regulations.  
106 Unless otherwise provided for, existing civil  
107 service commission rules and regulations  
108 governing the appeal of disciplinary decisions  
109 to the civil service commission shall apply to  
110 all commissioned and civilian personnel. The  
111 civil service commission's rules and regulations  
112 shall provide that records prepared for  
113 disciplinary purposes shall be confidential,  
114 closed records available solely to the civil  
115 service commission and those who possess  
116 authority to conduct investigations regarding  
117 disciplinary matters pursuant to the civil  
118 service commission's rules and regulations. A  
119 hearing officer shall be appointed by the civil  
120 service commission to hear any such appeals that  
121 involve discipline resulting in a suspension of

122 greater than fifteen days, demotion, or  
123 termination, but the civil service commission  
124 shall make the final findings of fact,  
125 conclusions of law, and decision which shall be  
126 subject to any right of appeal under chapter 536.

127 9. A city not within a county that  
128 establishes and maintains a municipal police  
129 force under this section:

130 (1) Shall provide or contract for life  
131 insurance coverage and for insurance benefits  
132 providing health, medical, and disability  
133 coverage for commissioned and civilian personnel  
134 of the municipal police force to the same extent  
135 as was provided by the board of police  
136 commissioners under section 84.160;

137 (2) Shall provide or contract for medical  
138 and life insurance coverage for any commissioned  
139 or civilian personnel who retired from service  
140 with the board of police commissioners or who  
141 were employed by the board of police  
142 commissioners and retire from the municipal  
143 police force of a city not within a county to  
144 the same extent such medical and life insurance  
145 coverage was provided by the board of police  
146 commissioners under section 84.160;

147 (3) Shall make available medical and life  
148 insurance coverage for purchase to the spouses  
149 or dependents of commissioned and civilian  
150 personnel who retire from service with the board  
151 of police commissioners or the municipal police  
152 force and deceased commissioned and civilian  
153 personnel who receive pension benefits under  
154 sections 86.200 to 86.366 at the rate that such  
155 dependent's or spouse's coverage would cost  
156 under the appropriate plan if the deceased were  
157 living; and

158 (4) May pay an additional shift  
159 differential compensation to commissioned and  
160 civilian personnel for evening and night tours  
161 of duty in an amount not to exceed ten percent  
162 of the officer's base hourly rate.

163 10. A city not within a county that  
164 establishes a municipal police force under  
165 sections 84.343 to 84.346 shall establish a  
166 transition committee of five members for the  
167 purpose of: coordinating and implementing the  
168 transition of authority, operations, assets, and  
169 obligations from the board of police  
170 commissioners to the city; winding down the  
171 affairs of the board; making nonbinding  
172 recommendations for the transition of the police  
173 force from the board to the city; and other  
174 related duties, if any, established by executive  
175 order of the city's mayor. Once the ordinance  
176 referenced in this section is enacted, the city  
177 shall provide written notice to the board of  
178 police commissioners and the governor of the

179 state of Missouri. Within thirty days of such  
180 notice, the mayor shall appoint three members to  
181 the committee, two of whom shall be members of a  
182 statewide law enforcement association that  
183 represents at least five thousand law  
184 enforcement officers. The remaining members of  
185 the committee shall include the police chief of  
186 the municipal police force and a person who  
187 currently or previously served as a commissioner  
188 on the board of police commissioners, who shall  
189 be appointed to the committee by the mayor of  
190 such city.]

2 [84.345. 1. Except as required for the  
3 board of police commissioners to conclude its  
4 affairs and pursue legal claims and defenses,  
5 upon the establishment of a municipal police  
6 force, the terms of office of the commissioners  
7 of the board of police created under sections  
8 84.020 and 84.030 shall expire, and the  
9 provisions of sections 84.010 to 84.340 shall  
10 not apply to any city not within a county or its  
11 municipal police force as of such date. The  
12 board shall continue to operate, if necessary,  
13 to wind down the board's affairs until the  
14 transfer of ownership and obligations under  
15 subsection 2 of section 84.344 has been  
16 completed. During such time, the board of  
17 police commissioners shall designate and  
18 authorize its secretary to act on behalf of the  
19 board for purposes of performing the board's  
20 duties and any other actions incident to the  
21 transfer and winding down of the board's affairs.

22 2. For any claim, lawsuit, or other action  
23 arising out of actions occurring before the date  
24 of completion of the transfer provided under  
25 subsection 2 of section 84.344, the state shall  
26 continue to provide legal representation as set  
27 forth in section 105.726, and the state legal  
28 expense fund shall continue to provide  
29 reimbursement for such claims under section  
30 105.726. This subsection applies to all claims,  
31 lawsuits, and other actions brought against any  
32 commissioner, police officer, employee, agent,  
33 representative, or any individual or entity  
34 acting or purporting to act on its or their  
35 behalf.

36 3. Notwithstanding any other provision of  
37 law, rule, or regulation to the contrary, any  
38 city not within a county that establishes a  
39 municipal police force under sections 84.343 to  
40 84.346 shall not be restricted or limited in any  
41 way in the selection of a police chief or chief  
42 of the division created under subsection 8 of  
43 section 84.344.

44 4. It shall be the duty of the sheriff for  
any city not within a county, whenever called

45 upon by the police chief of the municipal police  
46 force, to act under the police chief's control  
47 for the preservation of the public peace and  
48 quiet; and, whenever the exigency or  
49 circumstances may, in the police chief's  
50 judgment, warrant it, said police chief shall  
51 have the power to assume the control and command  
52 of all local and municipal conservators of the  
53 peace of the city, whether sheriff, constable,  
54 policemen or others, and they shall act under  
55 the orders of the said police chief and not  
56 otherwise.]

2 [84.346. Any police pension system created  
3 under chapter 86 for the benefit of a police  
4 force established under sections 84.010 to  
5 84.340 shall continue to be governed by chapter  
6 86, and shall apply to any police force  
7 established under section 84.343 to 84.346.  
8 Other than any provision that makes chapter 86  
9 applicable to a municipal police force  
10 established under section 84.343 to 84.346,  
11 nothing in sections 84.343 to 84.346 shall be  
12 construed as limiting or changing the rights or  
benefits provided under chapter 86.]

2 [84.347. Notwithstanding the provisions of  
3 section 1.140 to the contrary, the provisions of  
4 sections 84.343 to 84.346 shall be  
5 nonseverable. If any provision of sections  
6 84.343 to 84.346 is for any reason held to be  
7 invalid, such decision shall invalidate all of  
the remaining provisions of this act.]

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