

SENATE BILL NO. 52

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1103S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 84.020, 84.030, 84.100, 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 ten 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, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, and 105.726, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 84.012, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.225, 84.325, and 105.726, to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 county, the common council or municipal assembly of such cities may pass ordinances for preserving order; securing property and persons from violence, danger, or destruction; protecting public and private property; and promoting the interests and ensuring the good governance of the cities, but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the 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, any officer, agent, or servant thereof or
16 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] **not within a county**, there shall be,
4 and is hereby established, within and for said cities, a
5 board of police, to consist of four commissioners, as
6 provided in sections 84.040 to 84.080, together with the
7 mayor of said cities for the time being, or whosoever may be
8 officially acting in that capacity, and said board shall
9 appoint one of its members as president, and one member who
10 shall act as vice president during the absence of the
11 president; and such president or vice president shall be the
12 executive officer of the board and shall act for it when the
13 board is not in session.

84.030. Beginning on [January 9, 1989] **August 28,**
2 **2025, and no later than September 28, 2025**, the governor of
3 the state of Missouri, by and with the advice and consent of
4 the senate, shall appoint the four commissioners provided
5 for in section 84.020, and one commissioner shall be
6 appointed for a term of one year; one commissioner shall be
7 appointed for a term of two years; one commissioner shall be
8 appointed for a term of three years; one commissioner shall
9 be appointed for a term of four years. Their successors
10 shall each be appointed for a term of four years, and said
11 commissioners shall hold office for their term of
12 appointment and until their successors shall have been
13 appointed and qualified. In case of a vacancy in said board
14 for any cause whatsoever, it shall be filled by appointment
15 for the unexpired term, in the same manner as in the case of
16 original appointments. The governor shall issue commissions

17 to the persons so appointed, designating the time for which
18 they are appointed in case the appointment is to fill an
19 unexpired term occasioned by death, resignation or any other
20 cause, and whenever the term of office of any commissioner
21 expires, the appointment of his successor shall be for four
22 years. [The commissioners now holding offices under
23 existing laws in any city of this state to which sections
24 84.010 to 84.340 apply are to hold their offices until the
25 expiration of their terms, and their successors are duly
26 appointed and 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] **only one** permanent police
4 force for the cities which they shall equip and arm as they
5 may judge necessary. Except as provided below, the number
6 of patrolmen to be appointed shall not be [more] **less** than
7 one thousand [six] **three** hundred [eighty-three] **thirteen**, of
8 which 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 it.**

84.150. The **maximum number of** officers of the police
2 force in each such city shall be as follows: [one chief of
3 police with the rank of colonel; lieutenant colonels, not to
4 exceed five in number and other such ranks and number of
5 members within such ranks as the board from time to time
6 deems necessary] **seventy-six commissioned officers at the**
7 **rank of lieutenant and above; two hundred commissioned**
8 **officers at the rank of sergeant; and one thousand thirty-**
9 **seven commissioned officers at the rank of patrolman.** The
10 officers of the police force shall have commissions issued
11 to them by the boards of police commissioners, and those
12 heretofore and those hereafter commissioned shall serve so
13 long as they shall faithfully perform their duties and
14 possess the necessary mental and physical ability, and be
15 subject to removal only for cause after a hearing by the
16 board, who are hereby invested with exclusive jurisdiction
17 in the premises.

84.160. 1. As of August 28, [2006] **2025**, 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 2. Each officer of police and patrolman whose regular
8 assignment requires nonuniformed attire may receive, in
9 addition to his or her salary, an allowance not to exceed
10 three hundred sixty dollars per annum payable biweekly.

11 Notwithstanding the provisions of subsection 1 of this
12 section to the contrary, no additional compensation or
13 compensatory time off for overtime, court time, or standby
14 court time shall be paid or allowed to any officer of the
15 rank of [sergeant] **lieutenant** or above. Notwithstanding any
16 other provision of law to the contrary, nothing in this
17 section shall prohibit the payment of additional
18 compensation pursuant to this subsection to officers of the
19 ranks of sergeants and above, provided that funding for such
20 compensation shall not:

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

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

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

38 4. Notwithstanding the provisions of subsection 1 of
39 this section to the contrary, the board of police
40 commissioners shall pay additional compensation for all
41 hours of service rendered by probationary patrolmen [and],
42 patrolmen, **and sergeants** in excess of the established

43 regular working period, and the rate of compensation shall
44 be one and one-half times the regular hourly rate of pay to
45 which each member shall normally be entitled; except that,
46 the court time and court standby time shall be paid at the
47 regular hourly rate of pay to which each member shall
48 normally be entitled. No credit shall be given or
49 deductions made from payments for overtime for the purpose
50 of retirement benefits.

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

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

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

75 8. The board of police commissioners:

76 (1) Shall provide or contract for life insurance
77 coverage and for insurance benefits providing health,
78 medical and disability coverage for officers and employees
79 of the department;

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

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

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

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

103 10. The board of police commissioners, from time to
104 time and in its discretion, may pay additional compensation
105 to police officers, sergeants and lieutenants by paying
106 commissioned officers in the aforesaid ranks for

107 accumulated, unused vacation time. Any such payments shall
108 be made in increments of not less than forty hours, and at
109 rates equivalent to the base straight-time rates being
110 earned by said officers at the time of payment; except that,
111 no such officer shall be required to accept payment for
112 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 84.012 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 84.012 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 84.012 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, 2025, 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 5 of this section. Any
46 police pension system created under chapter 86 for the
47 benefit of a police force established under sections 84.012
48 to 84.340 shall continue to be governed by chapter 86 and
49 shall apply to any comprehensive policing plan and any
50 police force established under sections 84.012 to 84.340.
51 Other than any provision that makes chapter 86 applicable to

52 a municipal police force established under sections 84.343
53 to 84.346, nothing in sections 84.012 to 84.340 shall be
54 construed as limiting or changing the rights or benefits
55 provided under chapter 86.

56 6. The board of police commissioners may promulgate
57 all necessary rules and regulations for the implementation
58 and administration of this section. Any rule or portion of
59 a rule, as that term is defined in section 536.010, that is
60 created under the authority delegated in this section shall
61 become effective only if it complies with and is subject to
62 all of the provisions of chapter 536 and, if applicable,
63 section 536.028. This section and chapter 536 are
64 nonseverable and if any of the powers vested with the
65 general assembly pursuant to chapter 536 to review, to delay
66 the effective date, or to disapprove and annul a rule are
67 subsequently held unconstitutional, then the grant of
68 rulemaking authority and any rule proposed or adopted after
69 August 28, 2025, 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]
33 **boards on an equal share basis per claim** up to a maximum of
34 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
concurrence with the board, the board, upon

22 recommendation of the chief, may appoint special
23 officers or patrolmen for temporary service in
24 addition to the police reserve force herein
25 provided for, but the length of time for which
26 such officers or patrolmen shall be employed
27 shall be limited to the time during which such
28 emergency shall exist.]

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

[84.341. No elected or appointed official
2 of the state or any political subdivision
3 thereof shall act or refrain from acting in any
4 manner to impede, obstruct, hinder, or otherwise
5 interfere with any member of a municipal police
6 force established under sections 84.343 to
7 84.346 in the performance of his or her job
8 duties, or with any aspect of any investigation
9 arising from the performance of such job
10 duties. This section shall not be construed to
11 prevent such officials from acting within the
12 normal course and scope of their employment or
13 from acting to implement sections 84.343 to
14 84.346. Any person who violates this section
15 shall be liable for a penalty of two thousand
16 five hundred dollars for each offense and shall
17 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. Commissioned and civilian personnel of
59 a municipal police force established under this
60 section shall not be subject to a residency
61 requirement of retaining a primary residence in
62 a city not within a county but may be required
63 to maintain a primary residence located within a
64 one-hour response time.

65 7. The commissioned and civilian personnel
66 who retire from service with the board of police
67 commissioners before the establishment of a
68 municipal police force under subsection 1 of
69 this section shall continue to be entitled to
70 the same pension benefits provided under chapter
71 86 and the same benefits set forth in subsection
72 5 of this section.

73 8. If the city not within a county elects
74 to establish a municipal police force under this
75 section, the city shall establish a separate
76 division for the operation of its municipal
77 police force. The civil service commission of
78 the city may adopt rules and regulations
79 appropriate for the unique operation of a police
80 department. Such rules and regulations shall
81 reserve exclusive authority over the
82 disciplinary process and procedures affecting
83 commissioned officers to the civil service
84 commission; however, until such time as the city
85 adopts such rules and regulations, the
86 commissioned personnel shall continue to be
87 governed by the board of police commissioner's
88 rules and regulations in effect immediately
89 prior to the establishment of the municipal
90 police force, with the police chief acting in
91 place of the board of police commissioners for
92 purposes of applying the rules and regulations.
93 Unless otherwise provided for, existing civil
94 service commission rules and regulations
95 governing the appeal of disciplinary decisions
96 to the civil service commission shall apply to

97 all commissioned and civilian personnel. The
98 civil service commission's rules and regulations
99 shall provide that records prepared for
100 disciplinary purposes shall be confidential,
101 closed records available solely to the civil
102 service commission and those who possess
103 authority to conduct investigations regarding
104 disciplinary matters pursuant to the civil
105 service commission's rules and regulations. A
106 hearing officer shall be appointed by the civil
107 service commission to hear any such appeals that
108 involve discipline resulting in a suspension of
109 greater than fifteen days, demotion, or
110 termination, but the civil service commission
111 shall make the final findings of fact,
112 conclusions of law, and decision which shall be
113 subject to any right of appeal under chapter 536.

114 9. A city not within a county that
115 establishes and maintains a municipal police
116 force under this section:

117 (1) Shall provide or contract for life
118 insurance coverage and for insurance benefits
119 providing health, medical, and disability
120 coverage for commissioned and civilian personnel
121 of the municipal police force to the same extent
122 as was provided by the board of police
123 commissioners under section 84.160;

124 (2) Shall provide or contract for medical
125 and life insurance coverage for any commissioned
126 or civilian personnel who retired from service
127 with the board of police commissioners or who
128 were employed by the board of police
129 commissioners and retire from the municipal
130 police force of a city not within a county to
131 the same extent such medical and life insurance
132 coverage was provided by the board of police
133 commissioners under section 84.160;

134 (3) Shall make available medical and life
135 insurance coverage for purchase to the spouses
136 or dependents of commissioned and civilian
137 personnel who retire from service with the board
138 of police commissioners or the municipal police
139 force and deceased commissioned and civilian
140 personnel who receive pension benefits under

141 sections 86.200 to 86.366 at the rate that such
142 dependent's or spouse's coverage would cost
143 under the appropriate plan if the deceased were
144 living; and

145 (4) May pay an additional shift
146 differential compensation to commissioned and
147 civilian personnel for evening and night tours
148 of duty in an amount not to exceed ten percent
149 of the officer's base hourly rate.

150 10. A city not within a county that
151 establishes a municipal police force under
152 sections 84.343 to 84.346 shall establish a
153 transition committee of five members for the
154 purpose of: coordinating and implementing the
155 transition of authority, operations, assets, and
156 obligations from the board of police
157 commissioners to the city; winding down the
158 affairs of the board; making nonbinding
159 recommendations for the transition of the police
160 force from the board to the city; and other
161 related duties, if any, established by executive
162 order of the city's mayor. Once the ordinance
163 referenced in this section is enacted, the city
164 shall provide written notice to the board of
165 police commissioners and the governor of the
166 state of Missouri. Within thirty days of such
167 notice, the mayor shall appoint three members to
168 the committee, two of whom shall be members of a
169 statewide law enforcement association that
170 represents at least five thousand law
171 enforcement officers. The remaining members of
172 the committee shall include the police chief of
173 the municipal police force and a person who
174 currently or previously served as a commissioner
175 on the board of police commissioners, who shall
176 be appointed to the committee by the mayor of
177 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
of the board of police created under sections

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

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

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

43 4. It shall be the duty of the sheriff for
44 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.]

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

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

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