

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 40

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

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KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto two new sections relating to sheriffs.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2026, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article VII of the
7 Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is
2 amended by adding thereto two new sections, to be known as
3 sections 15 and 16, to read as follows:

**Section 15. 1. Except as provided in subsection 2 of
2 this section, each county and any city not within a county
3 shall elect a sheriff for a term of four years by a majority
4 of the qualified voters of the county voting thereon at the
5 time of voting designated for such office provided by law as
6 of the effective date of this section and every four years
7 thereafter.**

**2. The provisions of subsection 1 of this section
8 shall not apply to a county in which the office of sheriff
9 is not an elected office as of the effective date of this
10 section. Such county may restore the office of sheriff as
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12 an elected office as provided by law, and such restoration
13 shall be irrevocable. A county that restores the office of
14 sheriff as an elected office shall elect a sheriff by a
15 majority of the qualified voters of the county voting
16 thereon for a term of four years.

17 3. The elected sheriff shall be the chief law
18 enforcement officer in his or her county and shall be
19 notified of all federal investigations in his or her
20 county. Notwithstanding article VI section 18(a) or any
21 other article of the Missouri constitution to the contrary,
22 every sheriff, in addition to duties as set in law, shall
23 quell and suppress assaults, batteries, riots, routs,
24 affrays, and insurrections and shall:

25 (1) Apprehend and commit to jail all felons and
26 traitors;

27 (2) Attend each division of the circuit court presided
28 over by a circuit or associate circuit court judge held in
29 his or her county, when so directed by the court; and

30 (3) Execute process, including writs of replevin,
31 attachments, and final process issued by circuit and
32 associate circuit court judges, unless the sheriff of the
33 county does not perform such duties as of August 28, 2026.

34 4. Every sheriff is a conservator of the peace within
35 his or her county and shall cause all offenders against law
36 to appear at the next term of the circuit or associate court
37 of the county, and to be committed to jail in case of
38 failure to give the recognizance.

39 5. The sheriff of all counties shall hire and appoint
40 such deputies, assistants, and other employees as the
41 sheriff deems necessary for the proper discharge of the
42 duties of his or her office, who shall hold office at the
43 will and pleasure of the sheriff and may set their

44 compensation within the limits of the allocations made for
45 that purpose.

46 6. An elected county sheriff shall not be removed from
47 office except by writ of quo warranto initiated by the
48 attorney general.

Section 16. Because sheriffs are part of the
2 administration of justice, the general assembly may levy
3 court costs and fees to support salaries or benefits for
4 sheriffs and retired sheriffs pursuant to Section 14 of
5 Article I of the Constitution of the State of Missouri.

Section B. Pursuant to chapter 116, and other
2 applicable constitutional provisions and laws of this state
3 allowing the general assembly to adopt ballot language for
4 the submission of this joint resolution to the voters of
5 this state, the official summary statement of this
6 resolution shall be as follows:

7 "Shall the Missouri Constitution be amended to
8 support law enforcement by preserving the right
9 of citizens to elect a county sheriff,
10 prohibiting the removal of a county sheriff
11 except by a writ of quo warranto, and protecting
12 funding for law enforcement officials?".

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