

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 813

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUSE.

Offered February 23, 2000.

Senate Substitute adopted, March 15, 2000.

Taken up for Perfection March 15, 2000. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3581S.06P

AN ACT

To repeal section 85.011, RSMo 1994, and section 590.135, RSMo Supp. 1999, relating to discipline of law enforcement officers, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 85.011, RSMo 1994, and section 590.135, RSMo Supp. 1999, are repealed and two new sections enacted in lieu thereof, to be known as sections 85.011 and 590.135, to read as follows:

85.011. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers **who is dismissed, demoted or suspended resulting in a reduction or withholding of salary or compensatory time**, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. **A hearing upon written request shall occur within seven days of such action.** At any such meeting, the employing law enforcement agency shall at a

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

minimum provide a brief **written** statement[, which may be oral,] of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such [meeting] **hearing** shall be reduced to writing. Any law enforcement agency that has substantially similar or greater [procedures] **procedure that provide at the least the same procedural guidelines as this section, or any municipality that has adopted similar written discipline appeal procedures** shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. **Notwithstanding any provision of law to the contrary**, any law enforcement officer employed by the state shall not be subject to the provisions of this section. **The state shall reimburse municipalities for any new or increased activities or service beyond that required by existing law as required by Article X, Section 21 of the Missouri Constitution.**

590.135. 1. The director or any of his designated representatives may:

(1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;

(2) Issue, suspend or revoke certificates for instructors under the provisions of sections 590.100 to 590.180;

(3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of sections 590.100 to 590.180.

2. The director may refuse to issue, or may suspend or revoke any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

(1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;

(2) Conviction of a misdemeanor involving moral turpitude;

(3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;

(4) Dependence on or abuse of alcohol or drugs;

(5) Use or possession of, or trafficking in, any illegal substance;

(6) Gross misconduct indicating inability to function as a peace officer[;], **which shall include any illegal, unauthorized or unprofessional use or release of criminal history information, criminal intelligence, confidential reports or closed records;**

(7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officer standards and training commission.

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer not meeting the requirements for certification under the provisions of sections 590.100 to 590.180. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.

✓

Copy