

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 341

91ST GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, February 26, 2001, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 7, 2001.

Taken up March 7, 2001. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, are repealed and three new sections enacted in lieu thereof, to be known as sections 57.010, 590.100 and 590.130, to read as follows:

57.010. At the general election to be held in 1948, and at each general election held every four years thereafter, the voters in every county in this state shall elect some suitable person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a felony. Such person shall be a resident taxpayer and elector of said county, shall have resided in said county for more than one whole year next before filing for said office and shall be a person capable of efficient law enforcement. When any person shall be elected sheriff, **[he] such person** shall enter upon the discharge of the duties of **[his] such person's office as chief law enforcement officer of that county** office on the first day of January next succeeding **[his] such person's** election.

590.100. As used in sections 590.100 to 590.180, the following terms mean:

(1) "Certified training academy", any academy located within the state of Missouri which has been certified by the director to provide training programs for peace officers in this state;

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

(2) "Chief executive officer", the chief of police, director of public safety, sheriff, department head or chief administrator of any law enforcement or public safety agency of the state or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or for violation of ordinances of a county or municipality;

(3) "Director", the director of the Missouri department of public safety;

(4) "Peace officer", members of the state highway patrol, all state, county, and municipal law enforcement officers possessing the duty and power of arrest for violation of any criminal laws of the state or for violation of ordinances of counties or municipalities of the state who serve full time, with pay;

(5) **"Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search or interrogations;**

(6) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty. In a county of the first class adjoining a city not within a county, reserve peace officers may engage in all nonprimary enforcement activities without being under direct or immediate accompaniment of a certified peace officer.

590.130. [No] **1. Notwithstanding the provisions of subsection 2 of section 590.105 and subsection 1 of section 590.110 to the contrary, the** elected county peace officer or official shall be required **within twelve months after taking office** to be certified [under], **unless already certified upon taking office, pursuant to** sections 590.100 to 590.180 to [seek or] hold such office, [but] **and upon completion, file evidence with the director of the department of public safety.** All appointive deputies or assistants of such officer or official who are employed as peace officers[, provided that such county has five or more full-time peace officers,] shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified [under the terms of] **pursuant to** sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.

**2. Beginning January 1, 2002, any elected county peace officer or official who has not met the training requirements of subsection 1 of this section shall not participate in any primary enforcement activities as defined in section 590.100. The provisions of subsection 2 of section 57.010, RSMo, and this section shall not apply to the sheriff of any county of the first classification with a charter form of government with a population over nine hundred thousand.**

[590.170. 1. The director shall consult with Missouri sheriffs and their professional

organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within eighteen months of such election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated pursuant to sections 590.170 and 590.175 or some other comparable training program of not less than one hundred twenty hours instruction approved by the director of the department of public safety.

2. Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected, compensation at a rate equal to that of the sheriff of the county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.]

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