

SECOND REGULAR SESSION

SENATE BILL NO. 864

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3515S.011

AN ACT

To amend chapters 488 and 590, RSMo, by adding thereto twelve new sections relating to the law enforcement safety fund, with penalty provisions.

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

Section A. Chapters 488 and 590, RSMo, are amended by adding thereto
2 twelve new sections, to be known as sections 488.028, 590.800, 590.803, 590.806,
3 590.809, 590.812, 590.815, 590.818, 590.821, 590.824, 590.827, and 590.830, to
4 read as follows:

**488.028. As provided by section 590.806, RSMo, there shall be
2 assessed and collected a surcharge of seven dollars in each criminal
3 case involving violations of any county ordinance or a violation of any
4 criminal or traffic laws of the state, including infractions and violations
5 of municipal ordinances, provided that no such fee shall be collected
6 in any proceeding when the proceeding or defendant has been
7 dismissed by the court or when costs are to be paid by the state,
8 county, or municipality, or against any person who has pled guilty and
9 paid their fine under subsection 4 of section 476.385, RSMo. For
10 purposes of this section, the term "county ordinance" shall include any
11 ordinance of any city not within a county. The clerk responsible for
12 collecting court costs in criminal cases shall collect and disburse such
13 amounts as provided by sections 488.010 to 488.020. Such funds shall
14 be payable to the law enforcement safety fund created under section
15 590.803, RSMo.**

**590.800. As used in sections 590.800 to 590.830, unless the context
2 clearly indicates that a different meaning is intended, the following
3 terms shall mean:**

4 **(1) "Board of directors" or "board", the board of directors**

5 established in sections 590.800 to 590.830;

6 (2) "Creditable membership service", service as a police chief or
7 a police officer of an eligible municipality or as a deputy sheriff after
8 becoming a member that is creditable in determining the amount of the
9 member's benefits under this system;

10 (3) "Defined contribution system" or "system", the law
11 enforcement safety fund system authorized by sections 590.800 to
12 590.830;

13 (4) "Employee", any full-time police chief or police officer of a
14 municipal police department in this state, including the Kansas City
15 police department, the St. Louis police department, and the St. Louis
16 County police department, and any full-time deputy sheriffs;

17 (5) "Member" and "eligible members", any active marshal, police
18 chief, police officer, sheriff, or deputy sheriff of the system; any former
19 police chief, police officer, sheriff, or deputy sheriff receiving benefits
20 from the system; any former police chief, police officer, sheriff, or
21 deputy sheriff that is vested in the system but not receiving benefits;
22 any marshal, police chief, police officer, sheriff, or deputy sheriff on
23 disability leave; and for the purposes of section 590.812, any marshal,
24 police chief or police officer who is employed full-time by an eligible
25 municipality or any sheriff or deputy sheriff who is employed full-time
26 by a county;

27 (6) "Municipality" or "eligible municipality", each municipal
28 police department, including the Kansas City police department, the St.
29 Louis police department, and the St. Louis County police department;

30 (7) "Prior service", the total years of full-time licensed and
31 commissioned law enforcement service.

590.803. There is hereby established a "Law Enforcement Safety
2 Fund" which shall be under the management of a board of directors
3 described in section 590.809. The board of directors shall be
4 responsible for the administration and the investment of the moneys of
5 such fund. Neither the general assembly nor the governing body of a
6 county shall appropriate moneys for deposit in the fund. If insufficient
7 funds are generated to provide the benefits payable under the
8 provisions of sections 590.800 to 590.830, the board shall proportion the
9 benefits according to the funds available.

590.806. 1. Beginning August 28, 2008, the following surcharge

2 for police chiefs, police officers, and deputy sheriffs shall be collected
3 and paid as follows:

4 (1) There shall be assessed and collected a surcharge of seven
5 dollars in each criminal case involving violations of any county
6 ordinance or a violation of any criminal or traffic laws of the state,
7 including infractions and violations of municipal ordinances, provided
8 that no such fee shall be collected in any proceeding when the
9 proceeding or defendant has been dismissed by the court or when costs
10 are to be paid by the state, county, or municipality, or against any
11 person who has pled guilty and paid their fine under subsection 4 of
12 section 476.385, RSMo. For purposes of this section, the term "county
13 ordinance" shall include any ordinance of any city not within a county;

14 (2) The clerk responsible for collecting court costs in criminal
15 cases shall collect and disburse such amounts as provided by sections
16 488.010 to 488.020, RSMo. Such funds shall be payable to the law
17 enforcement safety fund created under section 590.803, and shall be
18 used only for the purposes provided for in sections 590.800 to
19 590.830. This fee shall be collected in all criminal cases, including
20 violations of any county or municipal ordinances or any violations of
21 criminal or traffic laws, including cases where a collection agency is
22 being used.

23 2. The board may accept gifts, donations, grants, and bequests
24 from public or private sources to the law enforcement safety fund.

590.809. 1. The general administration and the responsibility for
2 the proper operation of the fund and the investment of the fund are
3 vested in a board of directors of seven persons. Two of the directors
4 shall be chiefs of police who are members of the Missouri Police Chiefs'
5 Association, two of the directors shall be full-time police officers or
6 deputy sheriffs who are members of a state fraternal order of police,
7 one of the directors shall be a sheriff, one of the directors shall be a
8 member of the general assembly from the joint committee on public
9 employee retirement, and one of the directors shall be a member at-
10 large. The directors of the first board shall be appointed by the
11 governor by and with the consent of the senate, and shall serve terms
12 of four years from the first day of January, 2009. For subsequent
13 boards, the two police chief directors shall be elected by a secret ballot
14 vote of the members of the Missouri police chiefs' association. The two

15 police officers or deputy sheriff directors shall be elected by a secret
16 ballot vote of police officers under the rank of chief and deputy
17 sheriffs. The sheriff director shall be elected by a secret ballot vote of
18 the members of the Missouri sheriffs' association. The director from
19 the general assembly shall be appointed by the governor with the
20 advice and consent of the senate. The member-at-large shall be
21 appointed by the other board members. It shall be the responsibility
22 of the initial board to establish procedures for the conduct of future
23 elections of directors and such procedures shall be approved by a
24 majority vote by secret ballot of the police chiefs, officers, and deputy
25 sheriffs. The board shall have all powers and duties that are necessary
26 and proper to enable it, its officers, employees, and agents to fully and
27 effectively carry out all the purposes of sections 590.800 to 590.830.

28 2. The board of directors shall elect one of their members as
29 chair and one of their members as vice chair and may employ an
30 administrator who shall serve as secretary to the board. The board
31 shall hold regular meetings at least once each quarter. Other meetings
32 may be called as necessary by the chair. Notice of such meetings shall
33 be given in accordance with chapter 610, RSMo.

34 3. The board of directors shall retain an investment counsel to
35 be an investment advisor to the board, and the board of directors shall
36 arrange for annual audits by a certified public accountant.

37 4. The board of directors shall serve without compensation for
38 their services, except that each director shall be paid for any necessary
39 expenses incurred in the performance of duties authorized by the
40 board.

41 5. The board of directors shall be allowed administrative costs
42 for the operation of the system.

43 6. The board shall keep a record of its proceedings, which shall
44 be open to public inspection, and shall annually prepare a report
45 showing the financial condition of the system. The report shall contain,
46 but not be limited to, an auditor's opinion, financial statements
47 prepared in accordance with generally accepted accounting principles,
48 an actuary's certification along with actuarial assumptions, and
49 financial solvency tests.

50 7. Notwithstanding any other provisions of law, after the
51 expiration of the terms of the initial board of directors, the directors

52 elected as successors to those initial directors shall be elected to
53 staggered terms of four years each in the following manner: three
54 directors shall be elected for a two-year term with their successors
55 being elected to four-year terms, and four directors shall be elected for
56 a four-year term. The procedures for such elections and the
57 designation of which terms will initially be two-year terms and which
58 will be four-year terms shall be established solely by the board of
59 directors of the law enforcement safety fund system. Beginning with
60 the election of directors under the provisions of this subsection, at least
61 one, but not more than two of the directors, may be a member of the
62 law enforcement safety fund system, except that any vacancies
63 occurring on the board after all members have been duly elected shall
64 be filled by the board and such appointed members shall serve until the
65 next regularly scheduled election for such filled position.

66 8. Notwithstanding any provision of law, any board member who
67 was elected to the board as an active member representative and
68 becomes a retired member of the system after such election shall, with
69 the approval of the board, continue to serve on the board as an active
70 member representative until the next regularly scheduled election for
71 that position.

590.812. On or after the effective date of the establishment of the
2 system, incident to his or her employment or continued employment,
3 each person employed full-time as an elected marshal, chief of police,
4 police officer of a municipality, or sheriff or deputy sheriff of a county,
5 including sheriffs from any county with a charter form of government
6 with more than one million inhabitants, and any home rule city with
7 more than four thousand inhabitants and located in more than one
8 county, but excluding sheriffs from any city not within a county, may
9 become a member of the system upon their enrollment as a member of
10 the system and their first monthly contribution payment of a minimum
11 of twenty dollars. Such membership shall continue as long as the
12 member continues to be an employee in a municipal police department
13 or in a sheriff's office, and continues to make at least the minimum
14 monthly contribution to the system, or is eligible to receive grants from
15 the fund under the provisions of sections 590.800 to 590.830.

590.815. 1. Any member who is a marshal, chief of police, police
2 officer of a municipality, or a sheriff or deputy sheriff of a county shall

3 receive the funds the member personally contributes, at any time, plus
4 any interest or dividends accrued, minus any maintenance fees.

5 2. In addition to the funds the member personally contributes,
6 any member who has ten years or more of creditable membership
7 service and a minimum of ten years of prior service in a position that
8 would have been covered by the system if it had been established, or
9 who has five years or more of creditable membership service and a
10 minimum of fifteen years of prior service in a position that would have
11 been covered by the system if it had been established may also receive
12 the moneys payable from surcharges collected as set forth in section
13 488.028, RSMo, and section 590.806, if the member is eligible to receive
14 such funds and has met the retirement requirements. Such funds
15 granted shall be equally divided among the eligible members who
16 participate in the defined contribution system and shall be available
17 beginning on the first of January next succeeding the expiration of five
18 calendar years from the effective date of the establishment of the
19 system. The money amount granted shall continue to be paid to any
20 survivor determined and officially documented by each member upon
21 enrollment and may be revised by official notification. In no case shall
22 any member receive benefits from the program prior to the age of fifty-
23 five.

590.818. For the purpose of calculating benefits of a member,
2 creditable membership service years of service as a member of the
3 program and twelfths of a year are to be used.

590.821. Any eligible marshal, chief of police, police officer,
2 sheriff, or deputy sheriff who becomes a member of the system on the
3 effective date of the establishment of the system shall be given credit
4 for up to fifteen years of eligible prior service in any of these
5 positions. All such prior service shall be established to the satisfaction
6 of the board.

590.824. Any member may receive grants from the fund at any
2 time after the end of the month during which the member becomes
3 eligible under the provisions of section 590.815 and upon the member's
4 submission of a written application to the board setting forth at what
5 time, not less than thirty days nor more than ninety days subsequent
6 to the execution and filing of the application, the member desires to
7 receive such grants.

590.827. 1. A former member who has forfeited creditable service
2 may have the creditable service restored by again becoming an
3 employee and completing the creditable membership service, as set
4 forth in section 590.812.

5 2. Absences for sickness or injury of less than twelve months
6 shall be counted as membership service.

590.830. The benefits under sections 590.800 to 590.830 shall in
2 no way affect any person's eligibility for benefits under any other
3 retirement plan.

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Bill

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