

SECOND REGULAR SESSION

# SENATE BILL NO. 535

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 9, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4645S.011

## AN ACT

To repeal sections 84.010, 84.220, 86.200, 86.213, 105.483, and 105.726, RSMo, and to enact in lieu thereof thirteen new sections relating to the city of St. Louis, with penalty provisions.

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

Section A. Sections 84.010, 84.220, 86.200, 86.213, 105.483, and 105.726, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 84.343, 84.344, 84.345, 84.346, 84.347, 84.348, 84.349, 86.200, 86.213, 86.371, 105.483, 105.726, and 1, to read as follows:

**84.343. No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under section 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and scope of their employment or from acting to implement sections 84.345 to 84.348. Any person who violates this section shall be liable for a penalty of fifteen thousand dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term "committee" is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense**

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

17 committed by such officials, nor shall this section apply to duly  
18 appointed members of the municipal police force, or their appointing  
19 authorities, whose conduct is otherwise provided for by law.

84.344. 1. It shall be an unlawful employment practice for an  
2 official, employee, or agent of a municipal police force established  
3 under section 84.346 to discharge, demote, reduce the pay of, or  
4 otherwise retaliate against an employee of the municipal police force  
5 for reporting to any superior, government agency, or the press the  
6 conduct of another employee that the reporting employee believes, in  
7 good faith, is illegal.

8 2. Any employee of the municipal police force may bring a cause  
9 of action for general or special damages based on a violation of this  
10 section.

84.345. Subject to the provisions of sections 84.346 to 84.348, any  
2 city not within a county may establish a municipal police force for the  
3 purposes of:

- 4 (1) Preserving the public peace, welfare, and order;
  - 5 (2) Preventing crime and arresting suspected offenders;
  - 6 (3) Enforcing the laws of the state and ordinances of the city;
  - 7 (4) Exercising all powers available to a police force under  
8 generally applicable state law; and
  - 9 (5) Regulating and licensing all private watchmen, private  
10 detectives, and private policemen serving or acting as such in said city.
- 11 Any person who acts as a private watchman, private detective, or  
12 private policeman in said cities without having obtained a written  
13 license from said cities is guilty of a class A misdemeanor.

84.346. 1. Notwithstanding any provisions of this chapter to the  
2 contrary, any city not within a county may establish a municipal police  
3 force on or after January 1, 2013, according to the procedures and  
4 requirements of this section. The purpose of these procedures and  
5 requirements is to provide for an orderly and appropriate transition in  
6 the governance of the police force and provide for an equitable  
7 employment transition for commissioned and civilian personnel.

8 2. Upon the establishment of a municipal police force by a city  
9 under sections 84.345 to 84.348, the board of police commissioners shall  
10 convey, assign, and otherwise transfer to the city title and ownership  
11 of all indebtedness and assets, including, but not limited to, all funds

12 and real and personal property held in the name of or controlled by the  
13 board of police commissioners created under sections 84.020 and  
14 84.030. The board of police commissioners shall execute all documents  
15 reasonably required to accomplish such transfer of ownership and  
16 obligations.

17 3. If the city establishes a municipal police force and completes  
18 the transfer described in subsection 2 of this section, the city shall  
19 appropriate the necessary funds for the maintenance of the municipal  
20 police force.

21 4. Before a city not within a county may establish a municipal  
22 police force under this section, the city shall adopt an ordinance  
23 accepting responsibility, ownership, and liability as successor-in-  
24 interest for contractual obligations, indebtedness, and other lawful  
25 obligations of the board of police commissioners subject to the  
26 provisions of subsection 2 of section 84.347.

27 5. Before a city not within a county may establish a municipal  
28 police force under this section, the city charter shall be amended to  
29 repeal the requirement that all city employees reside in the city. The  
30 city may require its employees to reside in the city for a total of no  
31 more than seven years, and may not prohibit its employees who have  
32 met the residency requirement from residing outside the city. A city  
33 not within a county that establishes a municipal police force shall  
34 employ, without a reduction in rank, salary, or benefits, all  
35 commissioned and civilian personnel of the board of police  
36 commissioners created under sections 84.010 to 84.340 that were  
37 employed by the board immediately prior to the date the municipal  
38 police force was established. The city may not terminate, or reduce the  
39 rank, salary, or benefits of, such personnel without cause and without  
40 completing the disciplinary proceedings provided under subsection 8  
41 of this section. The city shall also recognize all accrued years of  
42 service that such commissioned and civilian personnel had with the  
43 board of police commissioners. Such personnel shall be entitled to the  
44 same holidays, vacation, and sick leave they were entitled to as  
45 employees of the board of police commissioners under section 84.160.

46 6. A city not within a county that establishes a municipal police  
47 force shall employ a director of public safety to oversee the division or  
48 department created under subsection 8 of this section. The director

49 shall have a minimum of ten years experience in correctional  
50 management. The city shall require the director to annually complete  
51 continuing education courses in correctional management.

52 7. The commissioned and civilian personnel who retire from  
53 service with the board of police commissioners before the  
54 establishment of a municipal police force under subsection 1 of this  
55 section shall continue to be entitled to the same pension benefits  
56 provided under chapter 86 and the same benefits set forth in subsection  
57 5 of this section.

58 8. If a city not within a county elects to establish a municipal  
59 police force under this section, the city shall establish a separate  
60 division, or other type of department as provided by the city's charter,  
61 for the operation of its municipal police force. The city may adopt new  
62 civil service commission rules and regulations that do not govern  
63 residency and that are appropriate for the unique operation of a  
64 municipal police force. Until such time as the city adopts such rules  
65 and regulations, the commissioned personnel shall continue to be  
66 governed by the board of police commissioner's rules and regulations  
67 in effect immediately prior to the establishment of the municipal police  
68 force, with the police chief acting in place of the board of police  
69 commissioners for purposes of applying the rules and  
70 regulations. Unless otherwise provided for, existing civil service  
71 commission rules and regulations governing the appeal of disciplinary  
72 decisions to the civil service commission shall apply to all  
73 commissioned and civilian personnel. A hearing officer shall be  
74 appointed by the civil service commission to hear any such appeals that  
75 involve discipline resulting in a suspension of greater than fifteen days,  
76 demotion, or termination, but the civil service commission shall make  
77 the final findings of fact, conclusions of law, and decision which shall  
78 be subject to any right of appeal under chapter 536.

79 9. A city not within a county that establishes and maintains a  
80 municipal police force under this section:

81 (1) Shall provide or contract for life insurance coverage and for  
82 insurance benefits providing health, medical, and disability coverage  
83 for commissioned and civilian personnel of the municipal police force  
84 to the same extent as was required by the board of police  
85 commissioners under section 84.160;

86           (2) Shall provide or contract for health, medical, and life  
87 insurance coverage for any commissioned or civilian personnel who  
88 retired from service with the board of police commissioners or who  
89 were employed by the board of police commissioners and retire from  
90 the municipal police force of a city not within a county;

91           (3) Shall make available health, medical, and life insurance  
92 coverage for purchase to the spouses, domestic partners, or dependents  
93 of commissioned and civilian personnel who retire from service with  
94 the board of police commissioners or the municipal police force and  
95 deceased commissioned and civilian personnel who receive pension  
96 benefits under sections 86.200 to 86.366 at the rate that such coverage  
97 would cost under the appropriate plan if the deceased were living; and

98           (4) May pay an additional shift differential compensation to  
99 commissioned and civilian personnel for evening and night tours of  
100 duty in an amount not to exceed ten percent of the officer's base hourly  
101 rate.

102           10. A city not within a county that establishes a municipal police  
103 force under sections 84.345 to 84.348 shall, by ordinance, establish a  
104 transition committee of five members for the purpose of: coordinating  
105 and implementing the transition of authority, operations, assets, and  
106 obligations from the board of police commissioners to the city; winding  
107 down the affairs of the board; and making nonbinding  
108 recommendations for the transition of the police force from the board  
109 to the city. The ordinance shall provide for the powers, duties, and  
110 duration of the committee. Once the ordinance is enacted, the city  
111 shall provide written notice to the board of police commissioners and  
112 the governor of the state of Missouri. Within thirty days of such notice,  
113 the governor shall appoint two members to the committee, one of whom  
114 shall be a member of a statewide law enforcement association that  
115 represents at least five thousand law enforcement officers. The  
116 remaining members of the committee shall include the police chief of  
117 the municipal police force, the city's director of public safety, and a  
118 person who has retired from service with the board of police  
119 commissioners or the municipal police force appointed to the  
120 committee by the mayor of such city.

          84.347. 1. Except as required for the board of police  
2 commissioners to conclude its affairs and pursue legal claims and

3 defenses, upon the establishment of a municipal police force, the terms  
4 of office of the commissioners of the board of police created under  
5 sections 84.020 and 84.030 shall expire, and the provisions of sections  
6 84.020 to 84.340 shall not apply to any city not within a county or its  
7 municipal police force as of such date. The board shall continue to  
8 operate, if necessary, to wind down the board's affairs until the  
9 transfer of ownership and obligations under subsection 2 of section  
10 84.346 has been completed. During such time, the board of police  
11 commissioners shall designate and authorize its secretary to act on  
12 behalf of the board for purposes of performing the board's duties and  
13 any other actions incident to the transfer and winding down of the  
14 board's affairs.

15 2. For any claim, lawsuit, or other action tendered to the  
16 attorney general by the board of police commissioners before the  
17 effective date of this act, the state shall provide legal representation as  
18 set forth in section 105.726, and the state legal expense fund shall  
19 provide reimbursement for the claims tendered before the effective  
20 date of this act up to a maximum of one million dollars per fiscal year  
21 pursuant to section 105.726. This subsection applies to all claims,  
22 lawsuits, and other actions tendered on behalf of any commissioner,  
23 police officer, employee, agent, representative, or any individual or  
24 entity acting or purporting to act on its or their behalf.

25 3. Notwithstanding any other provision of law, rule, or  
26 regulation to the contrary, any city not within a county that establishes  
27 a municipal police force under sections 84.345 to 84.358 shall not be  
28 restricted or limited in any way in the selection of a police chief.

29 4. It shall be the duty of the sheriff for any city not within a  
30 county, whenever called upon by the police chief of the municipal  
31 police force, to act under the police chief's control for the preservation  
32 of the public peace and quiet; and, whenever the exigency or  
33 circumstances may, in the police chief's judgment, warrant it, said  
34 police chief shall have the power to assume the control and command  
35 of all local and municipal conservators of the peace of the city, whether  
36 sheriff, constable, policemen or others, and they shall act under the  
37 orders of the said police chief and not otherwise.

84.348. Any police pension system created under chapter 86 for  
2 the benefit of a police force established under sections 84.010 to 84.343

3 shall continue to be governed by chapter 86, and shall apply to any  
4 police force established under section 84.346. Other than any provision  
5 that makes chapter 86 applicable to a municipal police force  
6 established under section 84.346, nothing in sections 84.345 to 84.348  
7 shall be construed as limiting or changing the rights or benefits  
8 provided under chapter 86.

84.349. Notwithstanding the provisions of section 1.140 to the  
2 contrary, the provisions of sections 84.345 to 84.348 shall be  
3 nonseverable. If any provision of sections 84.345 to 84.348 is for any  
4 reason held to be invalid, such decision shall invalidate all of the  
5 remaining provisions of this act.

86.200. The following words and phrases as used in sections 86.200 to  
2 86.366, unless a different meaning is plainly required by the context, shall have  
3 the following meanings:

4 (1) "Accumulated contributions", the sum of all mandatory contributions  
5 deducted from the compensation of a member and credited to the member's  
6 individual account, together with members' interest thereon;

7 (2) "Actuarial equivalent", a benefit of equal value when computed upon  
8 the basis of mortality tables and interest assumptions adopted by the board of  
9 trustees;

10 (3) "Average final compensation":

11 (a) With respect to a member who earns no creditable service on or after  
12 October 1, 2001, the average earnable compensation of the member during the  
13 member's last three years of creditable service as a police officer, or if the member  
14 has had less than three years of creditable service, the average earnable  
15 compensation of the member's entire period of creditable service;

16 (b) With respect to a member who is not participating in the DROP  
17 pursuant to section 86.251 on October 1, 2001, who did not participate in the  
18 DROP at any time before such date, and who earns any creditable service on or  
19 after October 1, 2001, the average earnable compensation of the member during  
20 the member's last two years of creditable service as a policeman, or if the member  
21 has had less than two years of creditable service, then the average earnable  
22 compensation of the member's entire period of creditable service;

23 (c) With respect to a member who is participating in the DROP pursuant  
24 to section 86.251 on October 1, 2001, or whose participation in DROP ended  
25 before such date, who returns to active participation in the system pursuant to

26 section 86.251, and who terminates employment as a police officer for reasons  
27 other than death or disability before earning at least two years of creditable  
28 service after such return, the portion of the member's benefit attributable to  
29 creditable service earned before DROP entry shall be determined using average  
30 final compensation as defined in paragraph (a) of this subdivision; and the  
31 portion of the member's benefit attributable to creditable service earned after  
32 return to active participation in the system shall be determined using average  
33 final compensation as defined in paragraph (b) of this subdivision;

34 (d) With respect to a member who is participating in the DROP pursuant  
35 to section 86.251 on October 1, 2001, or whose participation in the DROP ended  
36 before such date, who returns to active participation in the system pursuant to  
37 section 86.251, and who terminates employment as a police officer after earning  
38 at least two years of creditable service after such return, the member's benefit  
39 attributable to all of such member's creditable service shall be determined using  
40 the member's average final compensation as defined in paragraph (b) of this  
41 subdivision;

42 (e) With respect to a member who is participating in the DROP pursuant  
43 to section 86.251 on October 1, 2001, or whose participation in DROP ended  
44 before such date, who returns to active participation in the system pursuant to  
45 section 86.251, and whose employment as a police officer terminates due to death  
46 or disability after such return, the member's benefit attributable to all of such  
47 member's creditable service shall be determined using the member's average final  
48 compensation as defined in paragraph (b) of this subdivision; and

49 (f) With respect to the surviving spouse or surviving dependent child of  
50 a member who earns any creditable service on or after October 1, 2001, the  
51 average earnable compensation of the member during the member's last two years  
52 of creditable service as a police officer or, if the member has had less than two  
53 years of creditable service, the average earnable compensation of the member's  
54 entire period of creditable service;

55 (4) "Beneficiary", any person in receipt of a retirement allowance or other  
56 benefit;

57 (5) "Board of police commissioners", any board of police commissioners,  
58 police commissioners and any other officials or boards now or hereafter  
59 authorized by law to employ and manage a permanent police force in such cities;

60 (6) "Board of trustees", the board provided in sections 86.200 to 86.366 to  
61 administer the retirement system;



62 (7) "Creditable service", prior service plus membership service as provided  
63 in sections 86.200 to 86.366;

64 (8) "DROP", the deferred retirement option plan provided for in section  
65 86.251;

66 (9) "Earnable compensation", the annual salary which a member would  
67 earn during one year on the basis of the member's rank or position as specified  
68 in the applicable salary matrix in section 84.160 plus **any** additional  
69 compensation for academic work [as provided in subsection 7 of section 84.160,  
70 plus] **and** shift differential [as provided in subdivision (4) of subsection 8 of  
71 section 84.160] **that may be provided by any official or board now or**  
72 **hereafter authorized by law to employ and manage a permanent police**  
73 **force in such cities.** Such amount shall include the member's deferrals to a  
74 deferred compensation plan pursuant to Section 457 of the Internal Revenue Code  
75 or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or,  
76 effective October 1, 2001, to a transportation fringe benefit program pursuant to  
77 Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not  
78 include a member's additional compensation for overtime, standby time, court  
79 time, nonuniform time or unused vacation time. Notwithstanding the foregoing,  
80 the earnable compensation taken into account under the plan established  
81 pursuant to sections 86.200 to 86.366 with respect to a member who is a  
82 noneligible participant, as defined in this subdivision, for any plan year beginning  
83 on or after October 1, 1996, shall not exceed the amount of compensation that  
84 may be taken into account under Section 401(a)(17) of the Internal Revenue Code,  
85 as adjusted for increases in the cost of living, for such plan year. For purposes  
86 of this subdivision, a "noneligible participant" is an individual who first becomes  
87 a member on or after the first day of the first plan year beginning after the  
88 earlier of:

89 (a) The last day of the plan year that includes August 28, 1995; or

90 (b) December 31, 1995;

91 (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986,  
92 as amended;

93 (11) "Mandatory contributions", the contributions required to be deducted  
94 from the salary of each member who is not participating in DROP in accordance  
95 with section 86.320;

96 (12) "Member", a member of the retirement system as defined by sections  
97 86.200 to 86.366;

- 98 (13) "Members' interest", interest on accumulated contributions at such  
99 rate as may be set from time to time by the board of trustees;
- 100 (14) "Membership service", service as a policeman rendered since last  
101 becoming a member, except in the case of a member who has served in the armed  
102 forces of the United States and has subsequently been reinstated as a policeman,  
103 in which case "membership service" means service as a policeman rendered since  
104 last becoming a member prior to entering such armed service;
- 105 (15) "Plan year" or "limitation year", the twelve consecutive-month period  
106 beginning each October first and ending each September thirtieth;
- 107 (16) "Policeman" or "police officer", any member of the police force of such  
108 cities who holds a rank in such police force for which the annual salary is listed  
109 in section 84.160;
- 110 (17) "Prior service", all service as a policeman rendered prior to the date  
111 the system becomes operative or prior to membership service which is creditable  
112 in accordance with the provisions of sections 86.200 to 86.366;
- 113 (18) "Reserve officer", any member of the police reserve force of such  
114 cities, armed or unarmed, who works less than full time, without compensation,  
115 and who, by his or her assigned function or as implied by his or her uniform,  
116 performs duties associated with those of a police officer and who currently  
117 receives a service retirement as provided by sections 86.200 to 86.366;
- 118 (19) "Retirement allowance", annual payments for life as provided by  
119 sections 86.200 to 86.366 which shall be payable in equal monthly installments  
120 or any benefits in lieu thereof granted to a member upon termination of  
121 employment as a police officer and actual retirement;
- 122 (20) "Retirement system", the police retirement system of the cities as  
123 defined in sections 86.200 to 86.366;
- 124 (21) "Surviving spouse", the surviving spouse of a member who was the  
125 member's spouse at the time of the member's death.

86.213. 1. The general administration and the responsibility for the  
2 proper operation of the retirement system and for making effective the provisions  
3 of sections 86.200 to 86.366 are hereby vested in a board of trustees of ten  
4 persons. The board shall be constituted as follows:

- 5 (1) [The president of the board of police commissioners of the city, ex  
6 officio. If the president is absent from any meeting of the board of trustees for  
7 any cause whatsoever, the president may be represented by any member of the  
8 board of police commissioners who in such case shall have full power to act as a

9 member of the board of trustees;

10 (2)] The comptroller of the city, ex officio. If the comptroller is absent  
11 from any meeting of the board of trustees for any cause whatsoever, the  
12 comptroller may be represented by either the deputy comptroller or the first  
13 assistant comptroller who in such case shall have full power to act as a member  
14 of the said board of trustees;

15 [(3) Three] (2) **Two** members to be appointed by the mayor of the city to  
16 serve for a term of two years, **except the mayor shall not appoint the police**  
17 **chief of the municipal police force, the city's director of public safety,**  
18 **or the president of the board of police commissioners of the city;**

19 [(4)] (3) Three members to be elected by the members of the retirement  
20 system of the city for a term of three years; provided, however, that the term of  
21 office of the first three members so elected shall begin immediately upon their  
22 election and one such member's term shall expire one year from the date the  
23 retirement system becomes operative, another such member's term shall expire  
24 two years from the date the retirement system becomes operative and the other  
25 such member's term shall expire three years from the date the retirement system  
26 becomes operative; provided, further, that such members shall be members of the  
27 system and hold office only while members of the system;

28 [(5) Two] (4) **Three** members who shall be retired members of the  
29 retirement system to be elected by the retired members of the retirement system  
30 for a term of three years; except that, the term of office of the first two members  
31 so elected shall begin immediately upon their election and one such member's  
32 term shall expire two years from the date of election and the other such member's  
33 term shall expire three years from the date of election.

34 2. Any member elected chairman of the board of trustees may serve  
35 without term limitations.

36 3. Each commissioned elected trustee shall be granted travel time by the  
37 St. Louis metropolitan police department to attend any and all functions that  
38 have been authorized by the board of trustees of the police retirement system of  
39 St. Louis. Travel time, with compensation, for a trustee shall not exceed thirty  
40 days in any board fiscal year.

**86.371. In the event that the state or any state official is ordered**  
2 **to provide state funds to any city not within a county to satisfy pension**  
3 **obligations to any member of the system provided for in sections 86.200**  
4 **to 86.366, the amount of state funds ordered shall constitute a first lien**

5 on the funds of such city. The state is authorized to certify such  
6 amount to the state treasurer and the director of the department of  
7 revenue. The state treasurer and the director of the department of  
8 revenue shall withhold all moneys due the city not within a county  
9 from the state until such amount, together with regular interest, is  
10 satisfied.

105.483. Each of the following persons shall be required to file a financial  
2 interest statement:

3 (1) Associate circuit judges, circuit court judges, judges of the courts of  
4 appeals and of the supreme court, and candidates for any such office;

5 (2) Persons holding an elective office of the state, whether by election or  
6 appointment, and candidates for such elective office, except those running for or  
7 serving as county committee members for a political party pursuant to section  
8 115.609 or section 115.611;

9 (3) The principal administrative or deputy officers or assistants serving  
10 the governor, lieutenant governor, secretary of state, state treasurer, state  
11 auditor and attorney general, which officers shall be designated by the respective  
12 elected state official;

13 (4) The members of each board or commission and the chief executive  
14 officer of each public entity created pursuant to the constitution or interstate  
15 compact or agreement and the members of each board of regents or curators and  
16 the chancellor or president of each state institution of higher education;

17 (5) The director and each assistant deputy director and the general  
18 counsel and the chief purchasing officer of each department, division and agency  
19 of state government;

20 (6) Any official or employee of the state authorized by law to promulgate  
21 rules and regulations or authorized by law to vote on the adoption of rules and  
22 regulations;

23 (7) Any member of a board or commission created by interstate compact  
24 or agreement, including the executive director and any Missouri resident who is  
25 a member of the bi-state development agency created pursuant to sections 70.370  
26 to 70.440;

27 (8) Any board member of a metropolitan sewer district authorized under  
28 section 30(a) of article VI of the state constitution;

29 (9) Any member of a commission appointed or operating pursuant to  
30 sections 64.650 to 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

31 (10) The members, the chief executive officer and the chief purchasing  
32 officer of each board or commission which enters into or approves contracts for  
33 the expenditure of state funds;

34 (11) Each elected official, candidate for elective office, the chief  
35 administrative officer, the chief purchasing officer and the general counsel, if  
36 employed full time, of each political subdivision with an annual operating budget  
37 in excess of one million dollars, and each official or employee of a political  
38 subdivision who is authorized by the governing body of the political subdivision  
39 to promulgate rules and regulations with the force of law or to vote on the  
40 adoption of rules and regulations with the force of law; unless the political  
41 subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of  
42 section 105.485;

43 (12) Any person who is designated as a decision-making public servant by  
44 any of the officials or entities listed in subdivision (6) of section 105.450;

45 **(13) The police chief of a municipal police force established**  
46 **under section 84.346 by any city not within a county, and such city's**  
47 **director of public safety.**

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to  
2 broaden the liability of the state of Missouri beyond the provisions of sections  
3 537.600 to 537.610, nor to abolish or waive any defense at law which might  
4 otherwise be available to any agency, officer, or employee of the state of  
5 Missouri. Sections 105.711 to 105.726 do not waive the sovereign immunity of the  
6 state of Missouri.

7 2. The creation of the state legal expense fund and the payment therefrom  
8 of such amounts as may be necessary for the benefit of any person covered  
9 thereby are deemed necessary and proper public purposes for which funds of this  
10 state may be expended.

11 3. Moneys in the state legal expense fund shall not be available for the  
12 payment of any claim or any amount required by any final judgment rendered by  
13 a court of competent jurisdiction against a board of police commissioners  
14 established under chapter 84, including the commissioners, any police officer,  
15 notwithstanding sections 84.330 and 84.710, or other provisions of law, other  
16 employees, agents, representative, or any other individual or entity acting or  
17 purporting to act on its or their behalf. Such was the intent of the general  
18 assembly in the original enactment of sections 105.711 to 105.726, and it is made  
19 express by this section in light of the decision in Wayman Smith, III, et al. v.

20 State of Missouri, 152 S.W.3d 275. Except that the commissioner of  
21 administration shall reimburse from the legal expense fund [any] **the board of**  
22 **police commissioners established under [chapter 84] section 84.350** for liability  
23 claims otherwise eligible for payment under section 105.711 paid by such [boards]  
24 **board** on an equal share basis per claim up to a maximum of one million dollars  
25 per fiscal year. **The commissioner of administration shall not reimburse**  
26 **from the state legal expense fund any other board of police**  
27 **commissioners for any claims tendered on or after the effective date of**  
28 **this act.**

29 4. **Subject to the provisions of subsection 2 of section 84.347**, if the  
30 representation of the attorney general is requested by a board of police  
31 commissioners, the attorney general shall represent, investigate, defend,  
32 negotiate, or compromise all claims under sections 105.711 to 105.726 for the  
33 board of police commissioners, any police officer, other employees, agents,  
34 representatives, or any other individual or entity acting or purporting to act on  
35 their behalf. The attorney general may establish procedures by rules  
36 promulgated under chapter 536 under which claims must be referred for the  
37 attorney general's representation. The attorney general and the officials of the  
38 city which the police board represents **or represented** shall meet and negotiate  
39 reasonable expenses or charges that will fairly compensate the attorney general  
40 and the office of administration for the cost of the representation of the claims  
41 under this section.

42 5. Claims tendered to the attorney general promptly after the claim was  
43 asserted as required by section 105.716 and prior to August 28, 2005, may be  
44 investigated, defended, negotiated, or compromised by the attorney general and  
45 full payments may be made from the state legal expense fund on behalf of the  
46 entities and individuals described in this section as a result of the holding in  
47 Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275.

**Section 1. 1. An officer or employee of a municipal police force**  
2 **established under section 84.346 shall not:**

3 (1) **Be a candidate for partisan political office;**

4 (2) **Use official authority or influence for the purpose of**  
5 **interfering with or affecting the results of an election or a nomination**  
6 **for office;**

7 (3) **Directly or indirectly coerce contributions from subordinates**  
8 **in support of a political party or candidate;**

9           **(4) Permit solicitation for political purpose in any building or**  
10 **room occupied for the discharge of the official duties of such force;**

11           **(5) Solicit any person to vote for or against any candidate for**  
12 **public office or be connected with other political work of similar**  
13 **character on behalf of any political organization, party, or candidate**  
14 **while on duty or while wearing the official uniform of the force; or**

15           **(6) Affix any sign, bumper sticker, or other device to any**  
16 **property or vehicle under the control of such force which either**  
17 **supports or opposes any ballot measure or political candidate.**

18           **2. An officer or employee of such force who willfully or through**  
19 **culpable negligence violates any of the provisions of this section may**  
20 **be punished by a fine of not less than fifty dollars and not exceeding**  
21 **five hundred dollars, or by imprisonment for a time not exceeding six**  
22 **months, or by both fine and imprisonment.**

          [84.010. In all cities of this state that now have, or may  
2           hereafter attain, a population of seven hundred thousand  
3           inhabitants or over, the common council or municipal assembly, as  
4           the case may be, of such cities may pass ordinances for preserving  
5           order, securing property and persons from violence, danger or  
6           destruction, protecting public and private property, and for  
7           promoting the interests and insuring the good government of the  
8           cities; but no ordinances heretofore passed, or that may hereafter  
9           be passed, by the common council or municipal assembly of the  
10          cities, shall, in any manner, conflict or interfere with the powers or  
11          the exercise of the powers of the boards of police commissioners of  
12          the cities as created by section 84.020, nor shall the cities or any  
13          officer or agent of the corporation of the cities, or the mayor  
14          thereof, in any manner impede, obstruct, hinder or interfere with  
15          the boards of police or any officer, or agent or servant thereof or  
16          thereunder, except that in any case of emergency imminently  
17          imperiling the lives, health or safety of the inhabitants of the city,  
18          the mayor may call upon and direct the chief of police of the city to  
19          provide such number of officers and patrolmen to meet the  
20          emergency as the mayor determines to be necessary and the chief  
21          of police shall continue to act under the direction of the mayor until  
22          the emergency has ceased, or until the board of police

23 commissioners takes charge of such matter.]

2 [84.220. Any officer or servant of the mayor or common  
3 council or municipal assembly of the said cities, or other persons  
4 whatsoever, who shall forcibly resist or obstruct the execution or  
5 enforcement of any of the provisions of sections 84.010 to 84.340 or  
6 relating to the same, or who shall disburse any money in violation  
7 thereof, or who shall hinder or obstruct the organization or  
8 maintenance of said board of police, or the police force therein  
9 provided to be organized and maintained, or who shall maintain or  
10 control any police force other than the one therein provided for, or  
11 who shall delay or hinder the due enforcement of sections 84.010  
12 to 84.340 by failing or neglecting to perform the duties by said  
13 sections imposed upon him, shall be liable to a penalty of one  
14 thousand dollars for each and every offense, recoverable by the  
15 boards by action at law in the name of the state, and shall forever  
16 thereafter be disqualified from holding or exercising any office or  
17 employment whatsoever under the mayor or common council or  
18 municipal assembly of said cities, or under sections 84.010 to  
19 84.340; provided, however, that nothing in this section shall be  
20 construed to interfere with the punishment, under any existing or  
21 any future laws of this state, of any criminal offense which shall be  
22 committed by the said parties in or about the resistance,  
23 obstruction, hindrance, conspiracy, combination or disbursement  
aforesaid.]

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