

FIRST REGULAR SESSION

SENATE BILL NO. 216

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SILVEY.

Read 1st time January 28, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1008S.02I

AN ACT

To repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity.

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

Section A. Section 84.830, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as section 67.145 and 84.830, to read as
3 follows:

**67.145. No political subdivision of this state shall prohibit any
2 first responder, as the term "first responder" is defined in section
3 192.800, from engaging in any political activity while off duty and not
4 in uniform, being a candidate for elected or appointed public office, or
5 holding such office unless such political activity or candidacy is
6 otherwise prohibited by state or federal law.**

84.830. 1. [No person shall solicit orally, or by letter or otherwise, or
2 shall be in any manner concerned in soliciting, any assessment, contribution, or
3 payment for any political purpose whatsoever from any officer or employee in the
4 service of the police department for such cities or from members of the said police
5 board.] No officer, agent, or employee of the police department of such cities shall
6 permit any [such] solicitation **for political purpose** in any building or room
7 occupied for the discharge of the official duties of the said department. [No
8 officer or employee in the service of said police department shall directly or
9 indirectly give, pay, lend, or contribute any part of his salary or compensation or
10 any money or other valuable thing to any person on account of, or to be applied
11 to, the promotion of any political party, political club, or any political purpose
12 whatever.]

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

13 2. No officer or employee of said department shall promote, remove, or
14 reduce any other official or employee, or promise or threaten to do so, for
15 withholding or refusing to make any contribution for any political party or
16 purpose or club, or for refusal to render any political service, and shall not
17 directly or indirectly attempt to coerce, command, or advise any other officer or
18 employee to make any such contribution or render any such service. No officer
19 or employee in the service of said department or member of the police board shall
20 use his official authority or influence for the purpose of interfering with any
21 election or any nomination for office, or affecting the result thereof. No officer or
22 employee of such department shall [be a member or official of any committee of
23 any political party, or be a ward committeeman or committeewoman, nor shall
24 any such officer or employee] solicit any person to vote for or against any
25 candidate for public office, or "poll precincts" or be connected with other political
26 work of similar character on behalf of any political organization, party, or
27 candidate **while on duty or while wearing the official uniform of the**
28 **department**. All such persons shall, however, retain the right to vote as they
29 may choose and to express their opinions on all political subjects and candidates.

30 3. No person or officer or employee of said department shall affix any sign,
31 bumper sticker or other device to any property or vehicle under the control of said
32 department which either supports or opposes any ballot measure or political
33 candidate.

34 4. No question in any examination shall relate to political or religious
35 opinions or affiliations, and no appointment, transfer, layoff, promotion,
36 reduction, suspension, or removal shall be affected by such opinions or
37 affiliations.

38 5. No person shall make false statement, certification, mark, rating, or
39 report with regard to any tests, certificate, or appointment made under any
40 provision of sections 84.350 to 84.860 or in any manner commit or attempt to
41 commit any fraud preventing the impartial execution of this section or any
42 provision thereof.

43 6. No person shall, directly or indirectly, give, render, pay, offer, solicit,
44 or accept any money, service, or other valuable consideration for or on account of
45 any appointment, proposed appointment, promotion to, or any advancement in,
46 a position in the service of the police departments of such cities.

47 7. No person shall defeat, deceive, or obstruct any person in his right to
48 examination, eligibility, certification, appointment or promotion under sections

49 84.350 to 84.860, or furnish to any person any such secret information for the
50 purpose of affecting the right or prospects of any person with respect to
51 employment in the police departments of such cities.

52 8. Any officer or any employee of the police department of such cities who
53 shall be found by the board to have violated any of the provisions of this section
54 shall be discharged forthwith from said service. It shall be the duty of the chief
55 of police to prefer charges against any such offending person at once. Any
56 member of the board or of the common council of such cities may bring suit to
57 restrain payment of compensation to any such offending officer or employee and,
58 as an additional remedy, any such member of the board or of the common council
59 of such cities may also apply to the circuit court for a writ of mandamus to compel
60 the dismissal of such offending officer or employee. Officers or employees
61 discharged by such mandamus shall have no right of review before the police
62 board. Any person dismissed or convicted under this section shall, for a period
63 of five years, be ineligible for appointment to any position in the service of the
64 police department of such cities or the municipal government of such cities. Any
65 persons who shall willfully or through culpable negligence violate any of the
66 provisions of this section may, upon conviction thereof, be punished by a fine of
67 not less than fifty dollars and not exceeding five hundred dollars, or by
68 imprisonment for a time not exceeding six months, or by both such fine and
69 imprisonment.

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