

SENATE BILL NO. 38

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

1142S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 590.040 and 590.080, RSMo, and to enact in lieu thereof two new sections relating to peace officer standards.

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

Section A. Sections 590.040 and 590.080, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 590.040 and 590.080, to read as follows:

590.040. 1. The POST commission shall set the minimum
2 number of hours of basic training for licensure as a peace
3 officer no lower [than four hundred seventy and no higher]
4 than six hundred, with the following exceptions:

5 (1) Up to one thousand hours may be mandated for any
6 class of license required for commission by a state law
7 enforcement agency;

8 (2) As few as one hundred twenty hours may be mandated
9 for any class of license restricted to commission as a
10 reserve peace officer with police powers limited to the
11 commissioning political subdivision;

12 (3) Persons validly licensed on August 28, 2001, may
13 retain licensure without additional basic training;

14 (4) Persons licensed and commissioned within a county
15 of the third classification before July 1, 2002, may retain
16 licensure with one hundred twenty hours of basic training if
17 the commissioning political subdivision has adopted an order
18 or ordinance to that effect;

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

19 (5) Persons serving as a reserve officer on August 27,
20 2001, within a county of the first classification or a
21 county with a charter form of government and with more than
22 one million inhabitants on August 27, 2001, having
23 previously completed a minimum of one hundred sixty hours of
24 training, shall be granted a license necessary to function
25 as a reserve peace officer only within such county. For the
26 purposes of this subdivision, the term "reserve officer"
27 shall mean any person who serves in a less than full-time
28 law enforcement capacity, with or without pay and who,
29 without certification, has no power of arrest and who,
30 without certification, must be under the direct and
31 immediate accompaniment of a certified peace officer of the
32 same agency at all times while on duty; and

33 (6) The POST commission shall provide for the
34 recognition of basic training received at law enforcement
35 training centers of other states, the military, the federal
36 government and territories of the United States regardless
37 of the number of hours included in such training and shall
38 have authority to require supplemental training as a
39 condition of eligibility for licensure.

40 2. The director shall have the authority to limit any
41 exception provided in subsection 1 of this section to
42 persons remaining in the same commission or transferring to
43 a commission in a similar jurisdiction.

44 3. The basic training of every peace officer, except
45 agents of the conservation commission, shall include at
46 least thirty hours of training in the investigation and
47 management of cases involving domestic and family violence.
48 Such training shall include instruction, specific to
49 domestic and family violence cases, regarding: report
50 writing; physical abuse, sexual abuse, child fatalities and

51 child neglect; interviewing children and alleged
52 perpetrators; the nature, extent and causes of domestic and
53 family violence; the safety of victims, other family and
54 household members and investigating officers; legal rights
55 and remedies available to victims, including rights to
56 compensation and the enforcement of civil and criminal
57 remedies; services available to victims and their children;
58 the effects of cultural, racial and gender bias in law
59 enforcement; and state statutes. Said curriculum shall be
60 developed and presented in consultation with the department
61 of health and senior services, the children's division,
62 public and private providers of programs for victims of
63 domestic and family violence, persons who have demonstrated
64 expertise in training and education concerning domestic and
65 family violence, and the Missouri coalition against domestic
66 violence.

590.080. 1. The director shall have cause to
2 discipline any peace officer licensee who:

3 (1) Is unable to perform the functions of a peace
4 officer with reasonable competency or reasonable safety [as
5 a result of a mental condition, including alcohol or
6 substance abuse];

7 (2) Has committed any criminal offense, whether or not
8 a criminal charge has been filed;

9 (3) **Has been convicted, or has entered a plea of**
10 **guilty or nolo contendere, in a criminal prosecution under**
11 **the laws of any state, or the United States, or of any**
12 **country, regardless of whether or not sentence is imposed;**

13 (4) Has committed any act [while on active duty or
14 under color of law] that involves moral turpitude or a
15 reckless disregard for the safety of the public or any
16 person;

17 [(4)] (5) Has caused a material fact to be
18 misrepresented for the purpose of obtaining or retaining a
19 peace officer commission or any license issued pursuant to
20 this chapter;

21 [(5)] (6) Has violated a condition of any order of
22 probation lawfully issued by the director; [or

23 (6)] (7) Has violated a provision of this chapter or a
24 rule promulgated pursuant to this chapter;

25 (8) **Has tested positive for a controlled substance, as**
26 **defined in chapter 195, without a valid prescription for the**
27 **controlled substance;**

28 (9) **Is subject to an order of another state,**
29 **territory, the federal government, or any peace officer**
30 **licensing authority suspending or revoking a peace officer**
31 **license or certification; or**

32 (10) **Has committed any act of gross misconduct**
33 **indicating inability to function as a peace officer.**

34 2. When the director has knowledge of cause to
35 discipline a peace officer license pursuant to this section,
36 the director may cause a complaint to be filed with the
37 administrative hearing commission, which shall conduct a
38 hearing to determine whether the director has cause for
39 discipline, and which shall issue findings of fact and
40 conclusions of law on the matter. The administrative
41 hearing commission shall not consider the relative severity
42 of the cause for discipline or any rehabilitation of the
43 licensee or otherwise impinge upon the discretion of the
44 director to determine appropriate discipline when cause
45 exists pursuant to this section.

46 3. Upon a finding by the administrative hearing
47 commission that cause to discipline exists, the director
48 shall, within thirty days, hold a hearing to determine the

49 form of discipline to be imposed and thereafter shall
50 probate, suspend, or permanently revoke the license at
51 issue. If the licensee fails to appear at the director's
52 hearing, this shall constitute a waiver of the right to such
53 hearing.

54 4. Notice of any hearing pursuant to this chapter or
55 section may be made by certified mail to the licensee's
56 address of record pursuant to subdivision (2) of subsection
57 3 of section 590.130. Proof of refusal of the licensee to
58 accept delivery or the inability of postal authorities to
59 deliver such certified mail shall be evidence that required
60 notice has been given. Notice may be given by publication.

61 5. Nothing contained in this section shall prevent a
62 licensee from informally disposing of a cause for discipline
63 with the consent of the director by voluntarily surrendering
64 a license or by voluntarily submitting to discipline.

65 6. The provisions of chapter 621 and any amendments
66 thereto, except those provisions or amendments that are in
67 conflict with this chapter, shall apply to and govern the
68 proceedings of the administrative hearing commission and
69 pursuant to this section the rights and duties of the
70 parties involved.

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