

SENATE BILL NO. 808

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

3237S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.344, 84.346, and 105.726, RSMo, and to enact in lieu thereof fourteen new sections relating to the operation of certain law enforcement agencies, with penalty provisions.

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

Section A. Sections 84.030, 84.100, 84.140, 84.150, 2 84.160, 84.170, 84.344, 84.346, and 105.726, RSMo, are repealed 3 and fourteen new sections enacted in lieu thereof, to be known 4 as sections 84.005, 84.012, 84.030, 84.035, 84.100, 84.140, 5 84.150, 84.160, 84.170, 84.225, 84.325, 84.344, 84.346, and 6 105.726, to read as follows:

84.005. Sections 84.005 to 84.346 shall be known as 2 the "Safer St. Louis Act of 2024".

84.012. In all cities of this state not within a 2 county, the common council or municipal assembly, as the 3 case may be, of such cities may pass ordinances for 4 preserving order, securing property and persons from 5 violence, danger or destruction, protecting public and 6 private property, and for promoting the interests and 7 ensuring the good government of the cities; but no 8 ordinances heretofore passed, or that may hereafter be 9 passed, by the common council or municipal assembly of the 10 cities, shall, in any manner, conflict or interfere with the 11 powers or the exercise of the powers of any board of police 12 commissioners of a city as created by section 84.020, nor

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

13 shall the city or any officer or agent of the corporation of
14 the city, or the mayor thereof, in any manner impede,
15 obstruct, hinder, or interfere with any board of police or
16 any officer, or agent or servant thereof or thereunder.

84.030. [Beginning on January 9, 1989] If ordered by
2 the court pursuant to section 84.344, the governor of the
3 state of Missouri, by and with the advice and consent of the
4 senate, shall appoint a special administrative board which
5 shall consist of the four commissioners provided for in
6 section 84.020, and one commissioner shall be appointed for
7 a term of one year; one commissioner shall be appointed for
8 a term of two years; one commissioner shall be appointed for
9 a term of three years; one commissioner shall be appointed
10 for a term of four years. Their successors shall each be
11 appointed for a term of four years, and said commissioners
12 shall hold office for their term of appointment and until
13 their successors shall have been appointed and qualified.
14 In case of a vacancy in said board for any cause whatsoever,
15 it shall be filled by appointment for the unexpired term, in
16 the same manner as in the case of original appointments.
17 The governor shall issue commissions to the persons so
18 appointed, designating the time for which they are appointed
19 in case the appointment is to fill an unexpired term
20 occasioned by death, resignation or any other cause, and
21 whenever the term of office of any commissioner expires, the
22 appointment of his successor shall be for four years. [The
23 commissioners now holding offices under existing laws in any
24 city of this state to which sections 84.010 to 84.340 apply
25 are to hold their offices until the expiration of their
26 terms, and their successors are duly appointed and
27 qualified.]

84.035. 1. Notwithstanding any other provision of law
2 to the contrary, when a board of police commissioners is
3 appointed to act as a special administrative board, the
4 duties of the board shall be to develop a comprehensive
5 policing plan addressing the governance, funding, and
6 operation of any police force operating within the city. In
7 developing such policing plan, the board shall consider, at
8 a minimum, each of the following alternatives for providing
9 police services within the city:

10 (1) Operation of a municipal police force pursuant to
11 a detailed methodology for achieving and maintaining
12 compliance with the requirements of subsection 9 of section
13 84.344; and

14 (2) Operation of a police force under the control of
15 the board of police commissioners as provided in sections
16 84.010 to 84.340 along with any modifications made by the
17 board.

18 2. Upon adoption by the board, the policing plan shall
19 be transmitted to the governor, the attorney general, the
20 general assembly, the mayor of the city, and governing body
21 of the city.

22 3. If such policing plan established pursuant to this
23 section is submitted to the general assembly it shall take
24 effect on January first of the year following its
25 submission, unless such plan is disapproved by a concurrent
26 resolution adopted by a majority vote of the respective
27 members of the house and senate within sixty days after
28 submission to the general assembly. If the general assembly
29 shall disapprove such plan, the board may develop further
30 policing plans and transmit the plan in the same manner
31 provided in this section.

32 4. Upon the plan taking effect, it shall have the full
33 force and effect of law and shall supersede all conflicting
34 laws, charter provisions, ordinances, rules, or regulations.

35 5. To the extent the plan requires any action by the
36 city to implement its provisions, the mayor shall report to
37 the board on the status of any such actions to enable the
38 board to monitor the city's progress toward implementation
39 of the plan. Such reports shall be made to the board in the
40 manner prescribed by the board.

41 6. If at any time any elected or appointed official
42 shall refuse or fail to take any action required to
43 implement the plan, the attorney general may cause a
44 petition to be filed on behalf of the board with the circuit
45 court of the judicial circuit in which the city is located
46 seeking an order directing such official to perform such
47 action or, at the board's option, for an order authorizing
48 the board to assume control of any police force operating
49 within the city. Upon the entry of an order authorizing the
50 board to assume control of the police force the board shall
51 cease acting as a special administrative board and shall
52 enjoy all general and supervising control of the police
53 force and shall exercise all powers and be subject to the
54 duties provided in sections 84.010 to 84.340. Upon entry of
55 any order authorizing the board to assume control of the
56 police force, the city shall be subject to the duties
57 imposed on the municipal assembly or common council by
58 sections 84.010 to 84.340.

59 7. The state of Missouri, its agencies, and employees
60 shall have absolute immunity from liability for any and all
61 acts or omissions relating to or in any way involving the
62 police force or the board during any time that the board is
63 acting as a special administrative board.

84.100. To enable the boards to perform the duties
2 imposed upon them, they are hereby authorized and required
3 to appoint, enroll and employ a permanent police force for
4 the cities which they shall equip and arm as they may judge
5 necessary. Except as provided below, the number of
6 patrolmen to be appointed shall not be ~~[more]~~ **less** than one
7 thousand ~~[six]~~ **one** hundred ~~[eighty-three]~~ **forty-two** of which
8 number not more than two hundred fifty are to be
9 probationary patrolmen. Any increase in the number of
10 patrolmen authorized, in addition to that provided for
11 above, shall be permitted upon recommendation by the board
12 of police commissioners, with the approval of the municipal
13 board of estimate and apportionment. The ~~[number of~~
14 ~~turnkeys to be appointed shall be sixty-five, except that~~
15 ~~for each patrolman hereafter promoted, demoted, removed,~~
16 ~~resigned or otherwise separated from the force, an~~
17 ~~additional turnkey may be appointed, but under no~~
18 ~~circumstances shall more than one hundred fifty turnkeys be~~
19 ~~appointed. As each additional turnkey is appointed, the~~
20 ~~maximum number of patrolmen to be appointed shall be reduced~~
21 ~~accordingly so that when one hundred fifty turnkeys have~~
22 ~~been appointed, the number of patrolmen to be appointed~~
23 ~~shall not be more than one thousand five hundred ninety-~~
24 ~~eight]~~ **board may continue to employ as many non-commissioned**
25 **police civilians as it deems necessary in order to perform**
26 **the duties imposed upon them, which shall include city**
27 **marshals and park rangers.**

84.140. The boards shall grant every member of the
2 police force who has served for one year or more a total of
3 three weeks vacation each year with pay, and each member of
4 the police force who has served the department for ~~[twelve]~~
5 **five** years or more shall receive ~~[four]~~ **five** weeks vacation

6 each year with pay, and each member of the police force who
7 has served the department for [~~twenty-one~~] **ten** years or more
8 shall receive [~~five~~] **six** weeks vacation each year with pay,
9 and each member of the police force who has served the
10 department for [~~thirty~~] **fifteen** years or more [~~and is~~
11 ~~eligible to participate in the deferred retirement option~~
12 ~~plan~~] shall receive [~~six~~] **seven** weeks vacation each year
13 with pay[; however the board may grant an additional week of
14 ~~paid vacation to members after one year of service~~], **and**
15 **each member of the police force who has served the**
16 **department for twenty years or more shall receive eight**
17 **weeks vacation each year with pay.** All members of the
18 police force shall receive [~~fifteen~~] **sixteen** holidays with
19 pay, however the board may grant additional holidays with
20 pay, and one hundred four days off duty each year with pay,
21 and the boards may from time to time grant additional days
22 off duty each year with pay when in the judgment of the
23 boards, the granting thereof will not materially impair the
24 efficiency of the department.

84.150. The **maximum number of** officers of the police
2 force **in each rank** in each such city shall be as follows:
3 one chief of police with the rank of colonel; **one assistant**
4 **chief of police with the rank of lieutenant colonel; four**
5 **additional** lieutenant colonels[, ~~not to exceed five in~~
6 ~~number and other such ranks and number of members within~~
7 ~~such ranks as the board from time to time deems necessary~~];
8 **ten captains; fifty-seven lieutenants; and one hundred and**
9 **eighty-eight sergeants.** No further appointments to the rank
10 of major shall hereafter be made, but all members of the
11 force holding the rank of major shall continue in such rank
12 until their promotion, demotion, removal, resignation, or
13 other separation from the force. The officers of the police

14 force shall have commissions issued to them by the boards of
15 police commissioners, and those heretofore and those
16 hereafter commissioned shall serve so long as they shall
17 faithfully perform their duties and possess the necessary
18 mental and physical ability, and be subject to removal only
19 for cause after a hearing by the board, who are hereby
20 invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006] **2024**, the board of
2 police commissioners shall have the authority to compute and
3 establish the annual salary of each member of the police
4 force without receiving prior authorization from the general
5 assembly, **which shall not be less than the annual salaries**
6 **paid to each member at the time of the enactment of this**
7 **section and which annual salary shall increase by no less**
8 **than four thousand dollars as of July 1, 2025.**

9 2. Each officer of police and patrolman whose regular
10 assignment requires nonuniformed attire may receive, in
11 addition to his or her salary, an allowance not to exceed
12 three hundred sixty dollars per annum payable biweekly.
13 Notwithstanding the provisions of subsection 1 of this
14 section to the contrary, no additional compensation or
15 compensatory time off for overtime, court time, or standby
16 court time shall be paid or allowed to any officer of the
17 rank of [sergeant] **lieutenant** or above. Notwithstanding any
18 other provision of law to the contrary, nothing in this
19 section shall prohibit the payment of additional
20 compensation pursuant to this subsection to officers of the
21 ranks of sergeants and above, provided that funding for such
22 compensation shall not:

23 (1) Be paid from the general funds of either the city
24 or the board of police commissioners of the city; or

25 (2) Be violative of any federal law or other state law.

26 3. It is the duty of the municipal assembly or common
27 council of the cities to make the necessary appropriation
28 for the expenses of the maintenance of the police force in
29 the manner herein and hereafter provided; provided, that in
30 no event shall such municipal assembly or common council be
31 required to appropriate for such purposes (including, but
32 not limited to, costs of funding pensions or retirement
33 plans) for any fiscal year a sum in excess of any limitation
34 imposed by article X, section 21, Missouri Constitution; and
35 provided further, that such municipal assembly or common
36 council may appropriate a sum in excess of such limitation
37 for any fiscal year by an appropriations ordinance enacted
38 in conformity with the provisions of the charter of such
39 cities.

40 4. Notwithstanding the provisions of subsection 1 of
41 this section to the contrary, the board of police
42 commissioners shall pay additional compensation for all
43 hours of service rendered by probationary patrolmen [and],
44 patrolmen, **and sergeants** in excess of the established
45 regular working period, and the rate of compensation shall
46 be one and one-half times the regular hourly rate of pay to
47 which each member shall normally be entitled; except that,
48 the court time and court standby time shall be paid at the
49 regular hourly rate of pay to which each member shall
50 normally be entitled. No credit shall be given or
51 deductions made from payments for overtime for the purpose
52 of retirement benefits.

53 5. Notwithstanding the provisions of subsection 1 of
54 this section to the contrary, probationary patrolmen [and],
55 patrolmen, **and sergeants** shall receive additional
56 compensation for authorized overtime, court time and court
57 standby time whenever the total accumulated time exceeds

58 forty hours. The accumulated forty hours shall be taken as
59 compensatory time off at the officer's discretion with the
60 approval of his supervisor.

61 6. The allowance of compensation or compensatory time
62 off for court standby time shall be computed at the rate of
63 one-third of one hour for each hour spent on court standby
64 time.

65 7. The board of police commissioners **[may] shall**
66 effect programs to provide additional compensation to its
67 employees for successful completion of academic work at an
68 accredited college or university, in amounts not to exceed
69 ten percent of their yearly salaries or for field training
70 officer and lead officer responsibilities in amounts not to
71 exceed three percent of their yearly salaries for field
72 training officer responsibilities and an additional three
73 percent of their yearly salaries for lead officer
74 responsibilities. The board may designate up to one hundred
75 fifty employees as field training officers and up to fifty
76 employees as lead officers.

77 8. The board of police commissioners:

78 (1) Shall provide or contract for life insurance
79 coverage and for insurance benefits providing health,
80 medical and disability coverage for officers and employees
81 of the department **to the same extent as was provided by the**
82 **city under section 84.344;**

83 (2) Shall provide or contract for insurance coverage
84 providing salary continuation coverage for officers and
85 employees of the police department **to the same extent as was**
86 **provided by the city under section 84.344;**

87 (3) Shall provide health, medical, and life insurance
88 coverage for retired officers and employees of the police
89 department **to the same extent as was provided by the city**

90 **under section 84.344.** Health, medical and life insurance
91 coverage shall be made available for purchase to the spouses
92 or dependents of deceased retired officers and employees of
93 the police department who receive pension benefits pursuant
94 to sections 86.200 to 86.364 **to the same extent as was**
95 **provided by the city under section 84.344, and shall be** at
96 the rate that such dependent's or spouse's coverage would
97 cost under the appropriate plan if the deceased were living;

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

102 9. Notwithstanding the provisions of subsection 1 of
103 this section to the contrary, the board of police
104 commissioners shall pay additional compensation to members
105 of the police force up to and including the rank of police
106 officer for any full hour worked between the hours of 11:00
107 p.m. and 7:00 a.m., in amounts equal to **[five]** **ten** percent
108 of the officer's base hourly pay.

109 10. The board of police commissioners, from time to
110 time and in its discretion, may pay additional compensation
111 to police officers, sergeants and lieutenants by paying
112 commissioned officers in the aforesaid ranks for
113 accumulated, unused vacation time. Any such payments shall
114 be made in increments of not less than forty hours, and at
115 rates equivalent to the base straight-time rates being
116 earned by said officers at the time of payment; except that,
117 no such officer shall be required to accept payment for
118 accumulated unused vacation time.

84.170. 1. When any vacancy shall take place in any
2 grade of officers, it shall be filled from the next lowest
3 grade; provided, however, that probationary patrolmen shall

4 serve at least six months as such before being promoted to
5 the rank of patrolman; patrolmen shall serve at least three
6 years as such before being promoted to the rank of sergeant;
7 sergeants shall serve at least one year as such before being
8 promoted to the rank of lieutenant; lieutenants shall serve
9 at least one year as such before being promoted to the rank
10 of captain; and in no case shall the chief or assistant
11 chief be selected from men not members of the force or below
12 the grade of captain. Patrolmen shall serve at least three
13 years as such before promotion to the rank of detective; the
14 inspector shall be taken from men in the rank not below the
15 grade of lieutenant.

16 2. The boards of police are hereby authorized to make
17 all such rules and regulations, not inconsistent with
18 sections 84.010 to 84.340, or other laws of the state, as
19 they may judge necessary, for the appointment, employment,
20 uniforming, discipline, trial and government of the police.
21 **At the time of the effective date of this act and until such**
22 **time as the board adopts other investigative and**
23 **disciplinary policies and procedures not inconsistent with**
24 **section 590.502, discipline and investigative procedures for**
25 **commissioned and civilian employees of the police force**
26 **shall be regulated by rule 7 of the police manual of the**
27 **police department in effect as of November 4, 2013, except**
28 **that where rule 7 is in conflict with section 590.502, the**
29 **board shall comply with the requirements of section**
30 **590.502. Under no circumstances shall the board initially**
31 **or hereafter adopt investigative and disciplinary procedures**
32 **that do not include the summary hearing board procedures**
33 **provided for in rule 7 of the police manual of the police**
34 **department in effect as of November 4, 2013.** The said
35 boards shall also have power to require of any officer or

36 policeman bond with sureties when they may consider it
37 demanded by the public interests. All lawful rules and
38 regulations of the board shall be obeyed by the police force
39 on pain of dismissal or such lighter punishment, either by
40 suspension, fine, reduction or forfeiture of pay, or
41 otherwise as the boards may adjudge.

42 3. The authority possessed by the board of police
43 includes, but is not limited to, the authority to delegate
44 portions of its powers authorized in section 84.120,
45 including presiding over a disciplinary hearing, to a
46 hearing officer as determined by the board.

**84.225. Any officer or servant of the mayor or common
2 council or municipal assembly of the said cities, or other
3 persons whatsoever, who shall forcibly resist or obstruct
4 the execution or enforcement of any of the provisions of
5 sections 84.010 to 84.340 or relating to the same, or who
6 shall disburse or fail to 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
9 therein provided to be organized and maintained, or who
10 shall maintain or control any police force other than the
11 one therein provided for, or who shall delay or hinder the
12 due enforcement of sections 84.010 to 84.340 by failing or
13 neglecting to perform the duties by said sections imposed
14 upon him or her, shall be liable to a penalty of one
15 thousand dollars for each and every offense, recoverable by
16 the boards by action at law in the name of the state, and
17 shall forever thereafter be disqualified from holding or
18 exercising any office or employment whatsoever under the
19 mayor or common council or municipal assembly of said
20 cities, or under sections 84.010 to 84.340; provided,
21 however, that nothing in this section shall be construed to**

22 interfere with the punishment, under any existing or any
23 future laws of this state, of any criminal offense which
24 shall be committed by the said parties in or about the
25 resistance, obstruction, hindrance, conspiracy, combination,
26 or disbursement aforesaid.

84.325. 1. If a board of police commissioners assumes
2 control of any municipal police force established within any
3 city not within a county, such board shall follow the
4 procedures and requirements of this section and any rules
5 promulgated under subsection 6 of this section. The purpose
6 of these procedures and requirements is to provide for an
7 orderly and appropriate transition in the governance of the
8 police force and provide for an equitable employment
9 transition for commissioned and civilian personnel.

10 2. Upon the assumption of control by the board of
11 police commissioners under subsection 1 of this section, any
12 municipal police department within any city not within a
13 county shall convey, assign, and otherwise transfer to the
14 board title and ownership of all indebtedness and assets,
15 including, but not limited to, all funds and real and
16 personal property held in the name of or controlled by the
17 municipal police department. This expressly excludes any
18 funds held by the city in the name of, for the benefit of,
19 or for future contribution to any police pension system
20 created under chapter 86. The city shall thereafter cease
21 the operation of any police department or police force.

22 3. Upon the assumption of control by the board of
23 police commissioners under subsection 1 of this section, the
24 state shall accept responsibility, ownership, and liability
25 as successor-in-interest for contractual obligations and
26 other lawful obligations of the municipal police
27 department. As used herein, "obligations" shall not

28 include, and shall not be construed to include, the city's
29 obligation to make contributions pursuant to section 86.337
30 to any police pension system created under chapter 86.

31 4. The board of police commissioners shall initially
32 employ, without a reduction in rank, salary, or benefits,
33 all commissioned and civilian personnel of the municipal
34 police department that were employed by the municipal police
35 department immediately prior to the date the board assumed
36 control. The board shall recognize all accrued years of
37 service that such commissioned and civilian personnel had
38 with the municipal police department as well as all accrued
39 years of service that such commissioned and civilian
40 personnel had previously with the board of police
41 commissioners. Such personnel shall be entitled to the same
42 holidays, vacation, sick leave, sick bonus time, and annual
43 step-increases they were entitled to as employees of the
44 municipal police department.

45 5. The commissioned and civilian personnel who retire
46 from service with the municipal police department both
47 before and after the board of police commissioners assumed
48 control of the department under subsection 1 of this section
49 shall continue to be entitled to the same pension benefits
50 provided as employees of the municipal police department and
51 the same benefits set forth in subsection 4 of this section.

52 6. The board of police commissioners may promulgate
53 all necessary rules and regulations for the implementation
54 and administration of this section. Any rule or portion of
55 a rule, as that term is defined in section 536.010, that is
56 created under the authority delegated in this section shall
57 become effective only if it complies with and is subject to
58 all of the provisions of chapter 536 and, if applicable,
59 section 536.028. This section and chapter 536 are

60 nonseverable and if any of the powers vested with the
61 general assembly pursuant to chapter 536 to review, to delay
62 the effective date, or to disapprove and annul a rule are
63 subsequently held unconstitutional, then the grant of
64 rulemaking authority and any rule proposed or adopted after
65 August 28, 2024, shall be invalid and void.

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

10 2. Upon the establishment of a municipal police force
11 by a city under sections 84.343 to 84.346, the board of
12 police commissioners shall convey, assign, and otherwise
13 transfer to the city title and ownership of all indebtedness
14 and assets, including, but not limited to, all funds and
15 real and personal property held in the name of or controlled
16 by the board of police commissioners created under sections
17 84.010 to 84.340. The board of police commissioners shall
18 execute all documents reasonably required to accomplish such
19 transfer of ownership and obligations.

20 3. If the city establishes a municipal police force
21 and completes the transfer described in subsection 2 of this
22 section, the city shall provide the necessary funds for the
23 maintenance of the municipal police force.

24 4. Before a city not within a county may establish a
25 municipal police force under this section, the city shall
26 adopt an ordinance accepting responsibility, ownership, and

27 liability as successor-in-interest for contractual
28 obligations, indebtedness, and other lawful obligations of
29 the board of police commissioners subject to the provisions
30 of subsection 2 of section 84.345.

31 5. A city not within a county that establishes a
32 municipal police force shall initially employ, without a
33 reduction in rank, salary, or benefits, all commissioned and
34 civilian personnel of the board of police commissioners
35 created under sections 84.010 to 84.340 that were employed
36 by the board immediately prior to the date the municipal
37 police force was established. Such commissioned personnel
38 who previously were employed by the board may only be
39 involuntarily terminated by the city not within a county for
40 cause. The city shall also recognize all accrued years of
41 service that such commissioned and civilian personnel had
42 with the board of police commissioners. Such personnel
43 shall be entitled to the same holidays, vacation, and sick
44 leave they were entitled to as employees of the board of
45 police commissioners.

46 6. Commissioned and civilian personnel of a municipal
47 police force established under this section shall not be
48 subject to a residency requirement of retaining a primary
49 residence in a city not within a county but may be required
50 to maintain a primary residence located within a one-hour
51 response time.

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

58 8. If the city not within a county elects to establish
59 a municipal police force under this section, the city shall
60 establish a separate division for the operation of its
61 municipal police force. The civil service commission of the
62 city may adopt rules and regulations appropriate for the
63 unique operation of a police department. Such rules and
64 regulations shall reserve exclusive authority over the
65 disciplinary process and procedures affecting commissioned
66 officers to the civil service commission; however, until
67 such time as the city adopts such rules and regulations, the
68 commissioned personnel shall continue to be governed by the
69 board of police commissioner's rules and regulations in
70 effect immediately prior to the establishment of the
71 municipal police force, with the police chief acting in
72 place of the board of police commissioners for purposes of
73 applying the rules and regulations. Unless otherwise
74 provided for, existing civil service commission rules and
75 regulations governing the appeal of disciplinary decisions
76 to the civil service commission shall apply to all
77 commissioned and civilian personnel. The civil service
78 commission's rules and regulations shall provide that
79 records prepared for disciplinary purposes shall be
80 confidential, closed records available solely to the civil
81 service commission and those who possess authority to
82 conduct investigations regarding disciplinary matters
83 pursuant to the civil service commission's rules and
84 regulations. A hearing officer shall be appointed by the
85 civil service commission to hear any such appeals that
86 involve discipline resulting in a suspension of greater than
87 fifteen days, demotion, or termination, but the civil
88 service commission shall make the final findings of fact,

89 conclusions of law, and decision which shall be subject to
90 any right of appeal under chapter 536.

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

93 (1) Shall provide or contract for life insurance
94 coverage and for insurance benefits providing health,
95 medical, and disability coverage for commissioned and
96 civilian personnel of the municipal police force to the same
97 extent as was provided by the board of police commissioners
98 under section 84.160;

99 (2) Shall provide or contract for medical and life
100 insurance coverage for any commissioned or civilian
101 personnel who retired from service with the board of police
102 commissioners or who were employed by the board of police
103 commissioners and retire from the municipal police force of
104 a city not within a county to the same extent such medical
105 and life insurance coverage was provided by the board of
106 police commissioners under section 84.160;

107 (3) Shall make available medical and life insurance
108 coverage for purchase to the spouses or dependents of
109 commissioned and civilian personnel who retire from service
110 with the board of police commissioners or the municipal
111 police force and deceased commissioned and civilian
112 personnel who receive pension benefits under sections 86.200
113 to 86.366 at the rate that such dependent's or spouse's
114 coverage would cost under the appropriate plan if the
115 deceased were living; [and]

116 (4) May pay an additional shift differential
117 compensation to commissioned and civilian personnel for
118 evening and night tours of duty in an amount not to exceed
119 ten percent of the officer's base hourly rate;

120 (5) Shall employ no less than one thousand three
121 hundred thirteen commissioned officers per each tenth of a
122 percentage point of the violent crime rate within such city
123 according to the Federal Bureau of Investigation's Uniform
124 Crime Reporting System during the immediately preceding year
125 or one thousand one hundred forty-two commissioned officers,
126 whichever is greater;

127 (6) Shall maintain the minimum commissioned staffing
128 of one thousand one hundred forty-two commissioned officers
129 with ranks at the minimum levels:

130 (a) Seventy-six commissioned officers at the rank of
131 lieutenant and above;

132 (b) Two hundred commissioned officers at the rank of
133 sergeant;

134 (c) One thousand thirty-seven commissioned officers at
135 the rank of patrolmen;

136 (7) Shall maintain a minimum of six police districts
137 which shall be staffed in the bureau of community policing
138 of no less than six hundred and ninety commissioned officers
139 of which one hundred and fifteen shall be assigned patrol
140 duties. Should the number of districts change, this
141 staffing ratio shall be maintained; and

142 (8) Shall maintain salaries for patrolmen and
143 sergeants within three percent of the average of the top
144 three highest paid police departments in the state,
145 excluding the Missouri state highway patrol. These averages
146 shall be based only on police departments with commissioned
147 staff of over five hundred.

148 10. [A city not within a county that establishes a
149 municipal police force under sections 84.343 to 84.346 shall
150 establish a transition committee of five members for the
151 purpose of: coordinating and implementing the transition of

152 authority, operations, assets, and obligations from the
153 board of police commissioners to the city; winding down the
154 affairs of the board; making nonbinding recommendations for
155 the transition of the police force from the board to the
156 city; and other related duties, if any, established by
157 executive order of the city's mayor. Once the ordinance
158 referenced in this section is enacted, the city shall
159 provide written notice to the board of police commissioners
160 and the governor of the state of Missouri. Within thirty
161 days of such notice, the mayor shall appoint three members
162 to the committee, two of whom shall be members of a
163 statewide law enforcement association that represents at
164 least five thousand law enforcement officers. The remaining
165 members of the committee shall include the police chief of
166 the municipal police force and a person who currently or
167 previously served as a commissioner on the board of police
168 commissioners, who shall be appointed to the committee by
169 the mayor of such city.] **(1) If any resident of a city not**
170 **within a county has belief or knowledge that such city has**
171 **failed to comply with any of the requirements of subsection**
172 **9 of this section and that such failure is likely to**
173 **continue, he or she may make an affidavit before any person**
174 **authorized to administer oaths setting forth the facts**
175 **alleging the failure to comply with such requirements and**
176 **file the affidavit with the attorney general. If the**
177 **attorney general determines that the facts stated in the**
178 **affidavit demonstrate that the city has failed to comply**
179 **with any requirement of subsection 9 of this section, the**
180 **attorney general shall notify the city and the city shall**
181 **have sixty days in which to rectify any deficiency noted by**
182 **the attorney general.**

183 (2) If after sixty days, the attorney general
184 determines that the city has failed to comply with the
185 requirements of this section, the attorney general may file
186 a petition in the circuit court for the judicial circuit in
187 which the city is located for a declaration that the city is
188 in violation of this section. Any such petition filed by
189 the attorney general shall be placed at the top of the civil
190 docket and decided by the court as quickly as possible.
191 Upon the issuance of such declaration, the court shall order
192 the governor to appoint a board of police commissioners to
193 act as a special administrative board as provided in
194 sections 84.030 and 84.035. The governor shall make such
195 appointments in the manner provided in section 84.030 within
196 sixty days of the issuance of such order.

84.346. Any police pension system created under
2 chapter 86 for the benefit of a police force established
3 under sections [84.010] 84.005 to 84.340 shall continue to
4 be governed by chapter 86, and shall apply to any police
5 force established under section 84.343 to 84.346. Other
6 than any provision that makes chapter 86 applicable to a
7 municipal police force established under section 84.343 to
8 84.346, nothing in sections 84.343 to 84.346 shall be
9 construed as limiting or changing the rights or benefits
10 provided under chapter 86.

105.726. 1. Nothing in sections 105.711 to 105.726
2 shall be construed to broaden the liability of the state of
3 Missouri beyond the provisions of sections 537.600 to
4 537.610, nor to abolish or waive any defense at law which
5 might otherwise be available to any agency, officer, or
6 employee of the state of Missouri. Sections 105.711 to
7 105.726 do not waive the sovereign immunity of the state of
8 Missouri.

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

14 3. Moneys in the state legal expense fund shall not be
15 available for the payment of any claim or any amount
16 required by any final judgment rendered by a court of
17 competent jurisdiction against a board of police
18 commissioners established under chapter 84, including the
19 commissioners, any police officer, notwithstanding sections
20 84.330 and 84.710, or other provisions of law, other
21 employees, agents, representative, or any other individual
22 or entity acting or purporting to act on its or their
23 behalf. Such was the intent of the general assembly in the
24 original enactment of sections 105.711 to 105.726, and it is
25 made express by this section in light of the decision in
26 Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d
27 275. Except that the commissioner of administration shall
28 reimburse from the legal expense fund the board of police
29 commissioners established under [section 84.350, and any
30 successor-in-interest established pursuant to section
31 84.344,] **chapter 84** for liability claims otherwise eligible
32 for payment under section 105.711 paid by such [board]
33 **boards on a twenty-one equal share basis per claim** up to a
34 maximum of one million dollars per fiscal year.

35 4. [Subject to the provisions of subsection 2 of
36 section 84.345,] If the representation of the attorney
37 general is requested by a board of police commissioners [or
38 its successor-in-interest established pursuant to section
39 84.344], the attorney general shall represent, investigate,
40 defend, negotiate, or compromise all claims under sections

41 105.711 to 105.726 for the board of police commissioners,
42 its successor-in-interest pursuant to section 84.344, any
43 police officer, other employees, agents, representatives, or
44 any other individual or entity acting or purporting to act
45 on their behalf. The attorney general may establish
46 procedures by rules promulgated under chapter 536 under
47 which claims must be referred for the attorney general's
48 representation. The attorney general and the officials of
49 the city which the police board represents [or represented]
50 shall meet and negotiate reasonable expenses or charges that
51 will fairly compensate the attorney general and the office
52 of administration for the cost of the representation of the
53 claims under this section.

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

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