

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 40

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

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KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, by adding thereto one new section relating to sheriffs.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2026, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article VII of the
7 Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is
2 amended by adding thereto one new section, to be known as
3 section 15, to read as follows:

Section 15. 1. Except as provided in subsection 2 of
2 **Article VII, Section 15, each county shall elect a sheriff**
3 **for a term of four years by a majority of the qualified**
4 **voters of the county voting thereon at the time of voting**
5 **designated for such office provided by law as of the**
6 **effective date of this section and every four years**
7 **thereafter.**

8 2. The provisions of Article VII, Section 15 shall not
9 apply to:

10 (1) Any city not within a county;

11 (2) Any county with a charter form of government
12 adjacent to a city not within a county; or

13 (3) Any county with a charter form of government which
14 has a population greater than four hundred thousand
15 inhabitants and that is adjacent to a county with a
16 population greater than nine hundred thousand inhabitants.

17 3. Except as provided in subsection 2 of Article VII,
18 Section 15, the elected sheriff shall be the chief law
19 enforcement officer in his or her county. Notwithstanding
20 Article VI, Section 18(a) or any other article of the
21 Missouri Constitution to the contrary, every sheriff, except
22 as provided in subsection 2 of Article VII, Section 15, in
23 addition to duties as set in law, shall quell and suppress
24 assaults, batteries, riots, routs, affrays, and
25 insurrections and shall:

26 (1) Apprehend and commit to jail all felons and
27 traitors;

28 (2) Attend each division of the circuit court presided
29 over by a circuit or associate circuit court judge held in
30 his or her county, when so directed by the court; and

31 (3) Execute process, including writs of replevin,
32 attachments, and final process issued by circuit and
33 associate circuit court judges, unless the sheriff of the
34 county does not perform such duties as of August 28, 2026.

35 4. Except as provided in subsection 2 of Article VII,
36 Section 15, every sheriff is a conservator of the peace
37 within his or her county and shall cause all offenders
38 against law to appear at the next term of the circuit or

39 associate court of the county, and to be committed to jail
40 in case of failure to give the recognizance.

41 5. Except as provided in subsection 2 of Article VII,
42 Section 15, the sheriff shall hire and appoint such
43 deputies, assistants, and other employees as the sheriff
44 deems necessary for the proper discharge of the duties of
45 his or her office, who shall hold office at the will and
46 pleasure of the sheriff and may set their compensation
47 within the limits of the allocations made for that purpose.

48 6. Except as provided in subsection 2 of Article VII,
49 Section 15, an elected county sheriff shall not be removed
50 from office except by writ of quo warranto initiated by the
51 attorney general.

Section B. Pursuant to chapter 116, and other
2 applicable constitutional provisions and laws of this state
3 allowing the general assembly to adopt ballot language for
4 the submission of this joint resolution to the voters of
5 this state, the official summary statement of this
6 resolution shall be as follows:

7 "Shall the Missouri Constitution be amended to
8 support law enforcement by preserving the right
9 of citizens to elect a county sheriff,
10 prohibiting the removal of a county sheriff
11 except by a writ of quo warranto, and
12 recognizing the office of sheriff as part of the
13 administration of justice?".

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