

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1249

AN ACT

To repeal section 590.100, RSMo, and to enact in lieu thereof one new section relating to peace officer licenses.

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

Section A. Section 590.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.100, to read as follows:

590.100. 1. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.

2. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the applicant had a peace officer license or certification that was revoked or surrendered.

3. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the applicant is not a citizen of the United States.

4. When the director has knowledge of cause to deny an application pursuant to this section, the director may grant the application subject to probation or may deny the application. The director shall notify the applicant in writing of the reasons for such action and of the right to appeal pursuant to this section.

[3.] 5. Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty

days to the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for denial, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for denial or any rehabilitation of the applicant or otherwise impinge upon the discretion of the director to determine whether to grant the application subject to probation or deny the application when cause exists pursuant to this section. Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision.

[4.] 6. Upon a finding by the administrative hearing commission that cause for denial exists, the director shall not be bound by any prior action on the matter and shall, within thirty days, hold a hearing to determine whether to grant the application subject to probation or deny the application. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

[5.] 7. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission pursuant to this section and the rights and duties of the parties involved.