

# SENATE BILL NO. 1249

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

5118S.011

KRISTINA MARTIN, Secretary

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Section A. Section 590.100, RSMo, is repealed and one new  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

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

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

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

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

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

20       [3.] 5. Any applicant aggrieved by a decision of the  
21 director pursuant to this section may appeal within thirty  
22 days to the administrative hearing commission, which shall  
23 conduct a hearing to determine whether the director has  
24 cause for denial, and which shall issue findings of fact and  
25 conclusions of law on the matter. The administrative  
26 hearing commission shall not consider the relative severity  
27 of the cause for denial or any rehabilitation of the  
28 applicant or otherwise impinge upon the discretion of the  
29 director to determine whether to grant the application  
30 subject to probation or deny the application when cause  
31 exists pursuant to this section. Failure to submit a  
32 written request for a hearing to the administrative hearing  
33 commission within thirty days after a decision of the  
34 director pursuant to this section shall constitute a waiver  
35 of the right to appeal such decision.

36       [4.] 6. Upon a finding by the administrative hearing  
37 commission that cause for denial exists, the director shall  
38 not be bound by any prior action on the matter and shall,  
39 within thirty days, hold a hearing to determine whether to  
40 grant the application subject to probation or deny the  
41 application. If the licensee fails to appear at the  
42 director's hearing, this shall constitute a waiver of the  
43 right to such hearing.

44       [5.] 7. The provisions of chapter 621 and any  
45 amendments thereto, except those provisions or amendments  
46 that are in conflict with this chapter, shall apply to and  
47 govern the proceedings of the administrative hearing  
48 commission pursuant to this section and the rights and  
49 duties of the parties involved.

✓