

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 892

89TH GENERAL ASSEMBLY

Reported from the Committee on Civil and Criminal Jurisprudence, April 9, 1998, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

S3731.02C

AN ACT

To repeal sections 590.110, 590.130, 590.150 and 590.180, RSMo 1994, and sections 590.105 and 590.135, RSMo Supp. 1997, relating to public safety, and to enact in lieu thereof six new sections relating to the same subject.

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

Section A. Sections 590.110, 590.130, 590.150 and 590.180, RSMo 1994, and sections 590.105 and 590.135, RSMo Supp. 1997, are repealed and six new sections enacted in lieu thereof, to be known as sections 590.105, 590.110, 590.130, 590.135, 590.150 and 590.180, to read as follows:

590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

- (1) One hundred twenty hours as of August 28, 1993;
- (2) Three hundred hours as of August 28, 1994; and
- (3) Four hundred seventy hours as of August 28, 1996. The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of

training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred [fifty] **seventy** hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification **before January 1, 2001**, shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect. **Any reserve officer appointed by a law enforcement agency located within a county of the third classification, and seeking certification, shall be required to have no more or less than one hundred twenty hours of training if the respective city or county adopts an order or ordinance to that effect. Such certified reserve officer's police powers shall be limited to the appointing political subdivision.**

7. The peace officers standards and training commission with input from the department of health and the division of family services shall provide a minimum of thirty hours of initial education to all prospective law enforcement officers, except for agents of the conservation commission, concerning domestic and family violence.

8. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection 6 of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

9. The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

- (a) Physical abuse;
- (b) Sexual abuse;
- (c) Child fatalities;
- (d) Child neglect;
- (e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.

590.110. 1. No person shall be appointed as a peace officer by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of this state, unless he has been certified by the director as provided in sections 590.100 to 590.180[, unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete the four hundred fifty hours of training as peace

officers and be certified to be eligible for employment].

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace or reserve officer not later than thirty days after the date of the appointment and include with such notification a copy of a fingerprint card verified by the Missouri state highway patrol pertaining to the results of a criminal background check of the officer appointed and evidence of the completion of the standards necessary for employment as provided in sections 590.100 to 590.180.

3. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer; however, any person who serves as a reserve officer in any public law enforcement agency which is possessed of the duty and power to enforce the general criminal laws of this state or the ordinances of any political subdivision of this state may, at the option of the political subdivision in which the reserve officer is appointed, participate in the basic training program required under the provisions of sections 590.100 to 590.180, and, upon completion of such training program, shall be certified by the director in the same manner as provided for peace officers.

4. Any applicant to a police officer standards and training commission certified law-enforcement training center will submit a fingerprint card to that training center, along with an authorization allowing the police officer standards and training commission to conduct a criminal history background check, including a check of Federal Bureau of Investigation records. The law enforcement training center will forward the fingerprint card to the police officer standards and training commission, which will conduct a criminal history background check of the applicant, including a check of any available FBI records. The certified law enforcement training academy and the police officer standards and training commission may charge the applicant a fee for the cost of this criminal history check. The police officer standards and training commission shall determine if the applicant is qualified to enter and complete a certified law enforcement training program, under the criteria in section 590.135, and will notify the training center of the applicant's eligibility to enroll. No applicant shall be allowed to enroll in, attend or complete a certified training course who has committed acts in violation of section 590.135, RSMo.

5. **The chief, sheriff or chief executive officer of an employing agency shall notify, within thirty days on a form adopted by the director, of the separation from employment or appointment, of any certified peace officer or reserve officer. Separation from employment or appointment includes any firing, termination, resignation, retirement, or voluntary or involuntary leave of absence of any law enforcement officer.**

6. **In the case of a separation from employment or appointment for one of the following reasons, the notice shall state:**

(1) The officer was separated for his or her failure to meet the minimum qualifications for employment or appointment as a certified officer;

(2) The officer was dismissed for a violation of municipal, state or federal law;

(3) The officer was dismissed for violations of the written and distributed regulations of the law enforcement agency;

(4) The officer resigned while he or she was the subject of pending internal investigation.

7. The director or his or her designate shall review that certification of an officer to determine whether the certification should be suspended or revoked if the information provided by the agency indicates the officer violated the provisions of section 590.135.

8. The director shall have the authority to issue certification to peace, reserve, or federal law enforcement officers from other states or jurisdictions who are seeking certification as peace or reserve officers in this state pursuant to the rules promulgated by the peace officer standards and training commission.

590.130. No elected county peace officer or official shall be required to be certified under sections 590.100 to 590.180 to seek or hold such office, but all appointive deputies or assistants of such officer or official who are employed as peace officers[, provided that such county has five or more full-time peace officers,] shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified under the terms of sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.

590.135. 1. The director or any of his designated representatives may:

(1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;

(2) Issue, suspend or revoke certificates for instructors under the provisions of sections 590.100 to 590.180;

(3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of sections 590.100 to 590.180;

(4) Deny an applicant entry to any certified academy or training program for acts or violations of subdivisions (1) through (6) of subsection 2 of this section.

2. The director may refuse to issue, or may suspend or revoke any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to

subdivision (3) of subsection 1 of this section of any peace officer for the following:

(1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;

(2) Conviction of a misdemeanor involving moral turpitude **including the receiving of a suspended imposition of sentence following a plea or finding of guilt to such misdemeanor charge;**

(3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;

(4) Dependence on or abuse of alcohol or drugs;

(5) Use or possession of, or trafficking in, any illegal substance;

(6) Gross misconduct indicating inability to function as a peace officer;

(7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officer standards and training commission.

3. Upon a determination by the director that there is reasonable cause to believe that the certification of an instructor or peace officer should be revoked because he has committed one of the acts contained in subsection 2, the director may immediately suspend the certificate of the person when the director has reasonable cause to believe that such immediate suspension is in the best interests of the safety and welfare of the public. Any person aggrieved by [a] **this or any other** decision of the director under this section may appeal **to the administrative hearing commission** as provided in chapter [536] **621**, RSMo. **If the director decides to immediately suspend, he shall notify the person of this decision, and the right to appeal under this subsection, by certified mail to the last known address of the person. Notwithstanding any other provision of law, the director shall have access to all public governmental records, including closed records under chapter 610, in order to determine compliance with, or violation of, any of the provisions of this section and those records may be admissible in any hearing or proceeding before the administrative hearing commission.**

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer not meeting the requirements for certification under the provisions of sections 590.100 to 590.180. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing

commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.

590.150. The provisions of sections 590.100 to 590.180 shall not apply to **peace officers who, as of the effective date of this act, are not certified and are employed by** a political subdivision having a population of less than two thousand persons or which does not have at least four full-time paid peace officers unless such political subdivision is located in a county of the first class having a charter form of government[]; provided, however, the governing body of the political subdivision may by order or ordinance elect to come under the provisions of sections 590.100 to 590.180 or such election may be later rescinded and, provided further, that upon election to come under the provisions of sections 590.100 to 590.180 the political subdivision shall be entitled to authorize the fees allowed by section 590.140, otherwise, such fees shall not be collected].

590.180. 1. Any person who purposely violates any of the provisions of [section 590.110, 590.115 or 590.175] **this chapter** is guilty of a class B misdemeanor.

2. Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety or criminal justice purposes.

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