

(Constructed to include subsequent amendments adopted)

SECOND REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1601

95TH GENERAL ASSEMBLY

3590L.07C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 84.010, RSMo, and to enact in lieu thereof five new sections relating to the St. Louis police force.

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

Section A. Section 84.010, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 84.010, 84.345, 84.346, 84.347, and 84.348, to read as follows:

84.010. 1. In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or thereunder, except that in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.

**2. Notwithstanding any provision of subsection 1 of this section or any other law to the contrary, as of August 28, 2010, any city not within a county may establish and thereafter maintain, a municipal police force under sections 84.345 and 84.346.**

84.020. In all cities of this state that now have, or may hereafter attain, a population of five hundred thousand inhabitants or over, there shall be, and is hereby established, within and for said cities, a board of

police, to consist of

[four] **seven** commissioners, as provided in sections 84.040 to 84.080, together with the mayor of said cities for the time

being, or whosoever may be officially acting in that capacity, and said board shall appoint one of its members as

president, and one member who shall act as vice president during the absence of the president; and such president or vice

president shall be the executive officer of the board and shall act for it when the board is not in session.

84.030. **1.** Beginning on January 9, 1989, the governor of the state of M issouri, by and with the advice and

consent of the senate, shall appoint [the] four **of the** commissioners provided for in section 84.020, and one

commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years;

one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four

years. Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for

their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said

board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the

case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time

for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any

other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for

four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010

to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and

qualified.

**2. Beginning on January 1, 2011, the mayor of the city shall appoint three of the commissioners provided**

**for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be**

**appointed for a term of two years; and one commissioner shall be appointed for a term of three. Their successors**

**shall each be appointed for a term of four years, and said commissioners shall hold office for their term of**

**appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board**

**for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the**

**case of original appointments. The mayor shall issue commissions to the persons so appointed, designating the**

**time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death,**

**resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years.**

84.070. A majority of the boards of police shall constitute a quorum; and the failure or refusal of the mayor or acting mayor of said cities to qualify or act hereunder shall in no wise impair the right or duty of said commissioners to organize and proceed as herein provided in sections 84.010 to 84.340. In case a vacancy shall occur on said board, the same shall be filled by the governor of the state of Missouri **or the mayor of the city** forthwith, after having been notified that such vacancy exists.

84.080. **Except for members of the board of aldermen of the city appointed by the mayor as police commissioners under section 84.030 in their capacity as members of the board of aldermen,** any one of said commissioners, who, during his term of office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining same within twenty days succeeding such nomination, or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to thereby forfeit or vacate his office. Any of said commissioners **appointed by the governor** may be removed by the governor of the state of Missouri upon his being fully satisfied that the commissioner is guilty of any official misconduct. **Any of said commissioners appointed by the mayor may be removed by the mayor of the city upon the mayor being fully satisfied that the commissioner is guilty of any official misconduct.**

84.345. Any city not within a county may establish a municipal police force for the purposes of:

(1) Preserving the public peace, welfare, and order;

(2) Preventing crime and arresting suspected offenders;

(3) Enforcing the laws of the state and ordinances of the city;

(4) Exercising all powers available to a police force under generally applicable state law;

and

(5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said cities.

**No person shall act as a private watchman, private detective, or private policeman in said cities**

without first having obtained a written license from said police force.

**84.346.** A city not within a county that establishes and maintains a municipal police force pursuant to these sections shall provide for the employment in the municipal police force, immediately upon the effective date of the establishment of the municipal police force, of all officers and employees of any police force previously established under sections 84.010 to 84.340 at their then current salaries, and for their entitlement to all accrued benefits, including but not limited to, vacation time, sick leave, health insurance and pensions. Any such city not within a county shall recognize any regulation concerning residence of police officers adopted by the board of police commissioners under sections 84.020 and 84.030. Any retired officers shall also maintain their accrued benefits.

**84.347.** Upon the effective date of this statute the provisions of subsection 1 of section 84.010 and sections 84.015, 84.020, 84.030, 84.040, 84.050, 84.060, 84.070, 84.080, 84.090, 84.095, 84.100, 84.110, 84.120, 84.130, 84.140, 84.150, 84.160, 84.170, 84.175, 84.180, 84.190, 84.200, 84.210, 84.220, 84.230, 84.240, 84.250, 84.260, 84.265, 84.330, and 84.340, and the terms of office of the commissioners of the board of police under sections 84.020 and 84.030 shall not apply to any city not within a county that establishes and maintains a municipal police force under sections 84.345 and 84.346 except that the provisions of sections 84.160, 84.330, and 84.340 shall still apply for the purposes of sections 86.010, 86.200, 105.726, and 571.010.

**84.348.** Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.010 to 84.343 shall continue to be governed by chapter 86, as amended.

**Section 1.** The chief of police of the city for any city not within a county shall be the chief law enforcement officer of such city.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.