

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2432
101ST GENERAL ASSEMBLY

5092H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.346, and 105.726, RSMo, and to enact in lieu thereof thirteen new sections relating to the operation of certain law enforcement agencies, with penalty provisions.

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

Section A. Sections 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.346, 2 and 105.726, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be 3 known as sections 84.005, 84.012, 84.020, 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 4 84.225, 84.325, 84.346, and 105.726, to read as follows:

84.005. Sections 84.005 to 84.340 shall be known as the "Police Defunding 2 Control Act of 2022".

84.012. In all cities of this state not within a county, the common council or 2 municipal assembly, as the case may be, of such cities may pass ordinances for 3 preserving order, securing property and persons from violence, danger or destruction, 4 protecting public and private property, and for promoting the interests and ensuring the 5 good government of the cities; but no ordinances heretofore passed, or that may 6 hereafter be passed, by the common council or municipal assembly of the cities, shall, in 7 any manner, conflict or interfere with the powers or the exercise of the powers of the 8 boards of police commissioners of the cities as created by section 84.020, nor shall the 9 cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any 10 manner impede, obstruct, hinder, or interfere with the boards of police or any officer, or 11 agent or servant thereof or thereunder.

84.020. In all cities of this state that now have, or may hereafter attain, a population 2 of five hundred thousand inhabitants or over, there shall be, and is hereby established, within

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.

3 and for said cities, a board of police, to consist of four commissioners, as provided in sections
4 84.040 to 84.080, together with the ~~[mayor]~~ **president of the board of aldermen** of said
5 cities for the time being, or whosoever may be officially acting in that capacity, and said
6 board shall appoint one of its members as president, and one member who shall act as vice
7 president during the absence of the president; and such president or vice president shall be the
8 executive officer of the board and shall act for it when the board is not in session.

84.030. Beginning on ~~[January 9, 1989]~~ **August 28, 2022, and no later than**
2 **September 28, 2022**, the governor of the state of Missouri, by and with the advice and
3 consent of the senate, shall appoint the four commissioners provided for in section 84.020,
4 and one commissioner shall be appointed for a term of one year; one commissioner shall be
5 appointed for a term of two years; one commissioner shall be appointed for a term of three
6 years; one commissioner shall be appointed for a term of four years. Their successors shall
7 each be appointed for a term of four years, and said commissioners shall hold office for their
8 term of appointment and until their successors shall have been appointed and qualified. In
9 case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for
10 the unexpired term, in the same manner as in the case of original appointments. The governor
11 shall issue commissions to the persons so appointed, designating the time for which they are
12 appointed in case the appointment is to fill an unexpired term occasioned by death,
13 resignation or any other cause, and whenever the term of office of any commissioner expires,
14 the appointment of his successor shall be for four years. ~~[The commissioners now holding~~
15 ~~offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply~~
16 ~~are to hold their offices until the expiration of their terms, and their successors are duly~~
17 ~~appointed and qualified.]~~

84.100. To enable the boards to perform the duties imposed upon them, they are
2 hereby authorized and required to appoint, enroll and employ a permanent police force for the
3 cities which they shall equip and arm as they may judge necessary. Except as provided below,
4 the number of patrolmen to be appointed shall not be ~~[more]~~ **less** than one thousand ~~[six]~~ **one**
5 hundred ~~[eighty-three]~~ **forty-two** of which number not more than two hundred fifty are to be
6 probationary patrolmen. Any increase in the number of patrolmen authorized, in addition to
7 that provided for above, shall be permitted upon recommendation by the board of police
8 commissioners, with the approval of the municipal board of estimate and apportionment.
9 ~~[The number of turnkeys to be appointed shall be sixty-five, except that for each patrolman~~
10 ~~hereafter promoted, demoted, removed, resigned or otherwise separated from the force, an~~
11 ~~additional turnkey may be appointed, but under no circumstances shall more than one~~
12 ~~hundred fifty turnkeys be appointed. As each additional turnkey is appointed, the maximum~~
13 ~~number of patrolmen to be appointed shall be reduced accordingly so that when one hundred~~
14 ~~fifty turnkeys have been appointed, the number of patrolmen to be appointed shall not be~~

15 ~~more than one thousand five hundred ninety-eight]~~ **The board may continue to employ as**
16 **many non-commissioned police civilians as it deems necessary in order to perform the**
17 **duties imposed upon them, which shall include city marshals and park rangers.**

84.140. The boards shall grant every member of the police force who has served for
2 one year or more a total of three weeks vacation each year with pay, and each member of the
3 police force who has served the department for ~~[twelve]~~ **five** years or more shall receive
4 ~~[four]~~ **five** weeks vacation each year with pay, and each member of the police force who has
5 served the department for ~~[twenty-one]~~ **ten** years or more shall receive ~~[five]~~ **six** weeks
6 vacation each year with pay, and each member of the police force who has served the
7 department for ~~[thirty]~~ **fifteen** years or more ~~[and is eligible to participate in the deferred~~
8 ~~retirement option plan]~~ shall receive ~~[six]~~ **seven** weeks vacation each year with pay~~;~~
9 ~~the board may grant an additional week of paid vacation to members after one year of~~
10 ~~service], and each member of the police force who has served the department for twenty~~
11 **years or more shall receive eight weeks vacation each year with pay.** All members of the
12 police force shall receive ~~[fifteen]~~ **sixteen** holidays with pay, however the board may grant
13 additional holidays with pay, and one hundred four days off duty each year with pay, and the
14 boards may from time to time grant additional days off duty each year with pay when in the
15 judgment of the boards, the granting thereof will not materially impair the efficiency of the
16 department.

84.150. The **maximum number of** officers of the police force **in each rank** in each
2 such city shall be as follows: one chief of police with the rank of colonel; **one assistant chief**
3 **of police with the rank of lieutenant colonel; four additional** lieutenant colonels~~;~~
4 ~~not to exceed five in number and other such ranks and number of members within such ranks as the~~
5 ~~board from time to time deems necessary];~~ **ten captains; fifty-seven lieutenants; and one**
6 **hundred and eighty-eight sergeants. No further appointments to the rank of major shall**
7 **hereafter be made, but all members of the force now holding the rank of major shall**
8 **continue in such rank until their promotion, demotion, removal, resignation, or other**
9 **separation from the force.** The officers of the police force shall have commissions issued to
10 them by the boards of police commissioners, and those heretofore and those hereafter
11 commissioned shall serve so long as they shall faithfully perform their duties and possess the
12 necessary mental and physical ability, and be subject to removal only for cause after a hearing
13 by the board, who are hereby invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, ~~[2006]~~ **2022**, the board of police commissioners shall
2 have the authority to compute and establish the annual salary of each member of the police
3 force without receiving prior authorization from the general assembly, **which shall not be**
4 **less than the annual salaries paid to each member at the time of the enactment of this**

5 **section and which annual salary shall increase by no less than four thousand dollars as**
6 **of July 1, 2023.**

7 2. Each officer of police and patrolman whose regular assignment requires
8 nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed
9 three hundred sixty dollars per annum payable biweekly. Notwithstanding the provisions of
10 subsection 1 of this section to the contrary, no additional compensation or compensatory time
11 off for overtime, court time, or standby court time shall be paid or allowed to any officer of
12 the rank of ~~sergeant~~ **lieutenant** or above. Notwithstanding any other provision of law to the
13 contrary, nothing in this section shall prohibit the payment of additional compensation
14 pursuant to this subsection to officers of the ranks of sergeants and above, provided that
15 funding for such compensation shall not:

16 (1) Be paid from the general funds of either the city or the board of police
17 commissioners of the city; or

18 (2) Be violative of any federal law or other state law.

19 3. It is the duty of the municipal assembly or common council of the cities to make
20 the necessary appropriation for the expenses of the maintenance of the police force in the
21 manner herein and hereafter provided; provided, that in no event shall such municipal
22 assembly or common council be required to appropriate for such purposes (including, but not
23 limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of
24 any limitation imposed by article X, section 21, Missouri Constitution; and provided further,
25 that such municipal assembly or common council may appropriate a sum in excess of such
26 limitation for any fiscal year by an appropriations ordinance enacted in conformity with the
27 provisions of the charter of such cities.

28 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
29 board of police commissioners shall pay additional compensation for all hours of service
30 rendered by probationary patrolmen ~~and~~, patrolmen, **and sergeants** in excess of the
31 established regular working period, and the rate of compensation shall be one and one-half
32 times the regular hourly rate of pay to which each member shall normally be entitled; except
33 that, the court time and court standby time shall be paid at the regular hourly rate of pay to
34 which each member shall normally be entitled. No credit shall be given or deductions made
35 from payments for overtime for the purpose of retirement benefits.

36 5. Notwithstanding the provisions of subsection 1 of this section to the contrary,
37 probationary patrolmen ~~and~~, patrolmen, **and sergeants** shall receive additional
38 compensation for authorized overtime, court time and court standby time whenever the
39 total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as
40 compensatory time off at the officer's discretion with the approval of his supervisor.

41 6. The allowance of compensation or compensatory time off for court standby time
42 shall be computed at the rate of one-third of one hour for each hour spent on court standby
43 time.

44 7. The board of police commissioners [~~may~~] **shall** effect programs to provide
45 additional compensation to its employees for successful completion of academic work at an
46 accredited college or university, in amounts not to exceed ten percent of their yearly salaries
47 or for field training officer and lead officer responsibilities in amounts not to exceed three
48 percent of their yearly salaries for field training officer responsibilities and an additional three
49 percent of their yearly salaries for lead officer responsibilities. The board may designate up
50 to one hundred fifty employees as field training officers and up to fifty employees as lead
51 officers.

52 8. The board of police commissioners:

53 (1) Shall provide or contract for life insurance coverage and for insurance benefits
54 providing health, medical and disability coverage for officers and employees of the
55 department **to the same extent as was provided by the city under section 84.344;**

56 (2) Shall provide or contract for insurance coverage providing salary continuation
57 coverage for officers and employees of the police department **to the same extent as was**
58 **provided by the city under section 84.344;**

59 (3) Shall provide health, medical, and life insurance coverage for retired officers and
60 employees of the police department **to the same extent as was provided by the city under**
61 **section 84.344.** Health, medical and life insurance coverage shall be made available for
62 purchase to the spouses or dependents of deceased retired officers and employees of the
63 police department who receive pension benefits pursuant to sections 86.200 to 86.364 **to the**
64 **same extent as was provided by the city under section 84.344, and shall be** at the rate that
65 such dependent's or spouse's coverage would cost under the appropriate plan if the deceased
66 were living;

67 (4) May pay an additional shift differential compensation to members of the police
68 force for evening and night tour of duty in an amount not to exceed ten percent of the officer's
69 base hourly rate.

70 9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
71 board of police commissioners shall pay additional compensation to members of the police
72 force up to and including the rank of police officer for any full hour worked between the
73 hours of 11:00 p.m. and 7:00 a.m., in amounts equal to [~~five~~] **ten** percent of the officer's base
74 hourly pay.

75 10. The board of police commissioners, from time to time and in its discretion, may
76 pay additional compensation to police officers, sergeants and lieutenants by paying
77 commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any

78 such payments shall be made in increments of not less than forty hours, and at rates
79 equivalent to the base straight-time rates being earned by said officers at the time of payment;
80 except that, no such officer shall be required to accept payment for accumulated unused
81 vacation time.

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be
2 filled from the next lowest grade; provided, however, that probationary patrolmen shall serve
3 at least six months as such before being promoted to the rank of patrolman; patrolmen shall
4 serve at least three years as such before being promoted to the rank of sergeant; sergeants
5 shall serve at least one year as such before being promoted to the rank of lieutenant;
6 lieutenants shall serve at least one year as such before being promoted to the rank of captain;
7 and in no case shall the chief or assistant chief be selected from men not members of the force
8 or below the grade of captain. Patrolmen shall serve at least three years as such before
9 promotion to the rank of detective; the inspector shall be taken from men in the rank not
10 below the grade of lieutenant.

11 2. The boards of police are hereby authorized to make all such rules and regulations,
12 not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge
13 necessary, for the appointment, employment, uniforming, discipline, trial and government of
14 the police. **At the time of the effective date of this act and until such time as the board**
15 **adopts other investigative and disciplinary policies and procedures not inconsistent with**
16 **section 590.502, discipline and investigative procedures for commissioned and civilian**
17 **employees of the police force shall be regulated by rule 7 of the police manual of the**
18 **police department in effect as of November 4, 2013, except that where rule 7 is in conflict**
19 **with section 590.502, the board shall comply with the requirements of section 590.502.**
20 **Under no circumstances shall the board initially or hereafter adopt investigative and**
21 **disciplinary procedures that do not include the summary hearing board procedures**
22 **provided for in rule 7 of the police manual of the police department in effect as of**
23 **November 4, 2013.** The said boards shall also have power to require of any officer or
24 policeman bond with sureties when they may consider it demanded by the public interests.
25 All lawful rules and regulations of the board shall be obeyed by the police force on pain of
26 dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of
27 pay, or otherwise as the boards may adjudge.

28 3. The authority possessed by the board of police includes, but is not limited to, the
29 authority to delegate portions of its powers authorized in section 84.120, including presiding
30 over a disciplinary hearing, to a hearing officer as determined by the board.

84.225. Any officer or servant of the mayor or common council or municipal
2 **assembly of the said cities, or other persons whatsoever, who shall forcibly resist or**
3 **obstruct the execution or enforcement of any of the provisions of sections 84.010 to**

4 **84.340** or relating to the same, or who shall disburse or fail to disburse any money in
5 violation thereof, or who shall hinder or obstruct the organization or maintenance of
6 said board of police, or the police force therein provided to be organized and
7 maintained, or who shall maintain or control any police force other than the one therein
8 provided for, or who shall delay or hinder the due enforcement of sections 84.010 to
9 **84.340** by failing or neglecting to perform the duties by said sections imposed upon him
10 or her, shall be liable to a penalty of one thousand dollars for each and every offense,
11 recoverable by the boards by action at law in the name of the state, and shall forever
12 thereafter be disqualified from holding or exercising any office or employment
13 whatsoever under the mayor or common council or municipal assembly of said cities, or
14 under sections 84.010 to 84.340; provided, however, that nothing in this section shall be
15 construed to interfere with the punishment, under any existing or any future laws of this
16 state, of any criminal offense which shall be committed by the said parties in or about
17 the resistance, obstruction, hindrance, conspiracy, combination, or disbursement
18 aforesaid.

84.325. 1. On August 28, 2022, the board of police commissioners shall assume
2 control of any municipal police force established within any city not within a county
3 according to the procedures and requirements of this section and any rules promulgated
4 under subsection 6 of this section. The purpose of these procedures and requirements is
5 to provide for an orderly and appropriate transition in the governance of the police
6 force and provide for an equitable employment transition for commissioned and civilian
7 personnel.

8 2. Upon the assumption of control by the board of police commissioners under
9 subsection 1 of this section, any municipal police department within any city not within
10 a county shall convey, assign, and otherwise transfer to the board title and ownership of
11 all indebtedness and assets, including, but not limited to, all funds and real and personal
12 property held in the name of or controlled by the municipal police department. This
13 expressly excludes any funds held by the city in the name of, for the benefit of, or for
14 future contribution to any police pension system created under chapter 86. Such cities
15 shall thereafter cease the operation of any police department or police force.

16 3. Upon the assumption of control by the board of police commissioners under
17 subsection 1 of this section, the state shall accept responsibility, ownership, and liability
18 as successor-in-interest for contractual obligations and other lawful obligations of the
19 municipal police department. As used herein, "obligations" shall not include, and shall
20 not be construed to include, the city's obligation to make contributions pursuant to
21 section 86.337 to any police pension system created under chapter 86.

22 **4. The board of police commissioners shall initially employ, without a reduction**
23 **in rank, salary, or benefits, all commissioned and civilian personnel of the municipal**
24 **police department that were employed by the municipal police department immediately**
25 **prior to the date the board assumed control. The board shall recognize all accrued**
26 **years of service that such commissioned and civilian personnel had with the municipal**
27 **police department as well as all accrued years of service that such commissioned and**
28 **civilian personnel had previously with the board of police commissioners. Such**
29 **personnel shall be entitled to the same holidays, vacation, sick leave, sick bonus time,**
30 **and annual step-increases they were entitled to as employees of the municipal police**
31 **department.**

32 **5. The commissioned and civilian personnel who retire from service with the**
33 **municipal police department both before and after the board of police commissioners**
34 **assumed control of the department under subsection 1 of this section shall continue to be**
35 **entitled to the same pension benefits provided as employees of the municipal police**
36 **department and the same benefits set forth in subsection 4 of this section.**

37 **6. The board of police commissioners may promulgate all necessary rules and**
38 **regulations for the implementation and administration of this section. Any rule or**
39 **portion of a rule, as that term is defined in section 536.010, that is created under the**
40 **authority delegated in this section shall become effective only if it complies with and is**
41 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
42 **section and chapter 536 are nonseverable and if any of the powers vested with the**
43 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
44 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
45 **rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be**
46 **invalid and void.**

 84.346. Any police pension system created under chapter 86 for the benefit of a
2 police force established under sections ~~[84.010]~~ **84.005** to 84.340 shall continue to be
3 governed by chapter 86, and shall apply to any police force established under section 84.343
4 to 84.346. Other than any provision that makes chapter 86 applicable to a municipal police
5 force established under section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall
6 be construed as limiting or changing the rights or benefits provided under chapter 86.

 105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the
2 liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to
3 abolish or waive any defense at law which might otherwise be available to any agency,
4 officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the
5 sovereign immunity of the state of Missouri.

6 2. The creation of the state legal expense fund and the payment therefrom of such
7 amounts as may be necessary for the benefit of any person covered thereby are deemed
8 necessary and proper public purposes for which funds of this state may be expended.

9 3. Moneys in the state legal expense fund shall not be available for the payment of
10 any claim or any amount required by any final judgment rendered by a court of competent
11 jurisdiction against a board of police commissioners established under chapter 84, including
12 the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other
13 provisions of law, other employees, agents, representative, or any other individual or entity
14 acting or purporting to act on its or their behalf. Such was the intent of the general assembly
15 in the original enactment of sections 105.711 to 105.726, and it is made express by this
16 section in light of the decision in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d
17 275. Except that the commissioner of administration shall reimburse from the legal expense
18 fund the board of police commissioners established under ~~[section 84.350, and any successor-~~
19 ~~in interest established pursuant to section 84.344,]~~ **chapter 84** for liability claims otherwise
20 eligible for payment under section 105.711 paid by such ~~[board]~~ **boards on a twenty-one**
21 **equal share basis per claim** up to a maximum of one million dollars per fiscal year.

22 4. ~~[Subject to the provisions of subsection 2 of section 84.345,]~~ If the representation
23 of the attorney general is requested by a board of police commissioners ~~[or its successor in-~~
24 ~~interest established pursuant to section 84.344,]~~ the attorney general shall represent,
25 investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726
26 for the board of police commissioners, its successor-in-interest pursuant to section 84.344,
27 any police officer, other employees, agents, representatives, or any other individual or entity
28 acting or purporting to act on their behalf. The attorney general may establish procedures by
29 rules promulgated under chapter 536 under which claims must be referred for the attorney
30 general's representation. The attorney general and the officials of the city which the police
31 board represents ~~[or represented]~~ shall meet and negotiate reasonable expenses or charges that
32 will fairly compensate the attorney general and the office of administration for the cost of the
33 representation of the claims under this section.

34 5. Claims tendered to the attorney general promptly after the claim was asserted as
35 required by section 105.716 and prior to August 28, 2005, may be investigated, defended,
36 negotiated, or compromised by the attorney general and full payments may be made from the
37 state legal expense fund on behalf of the entities and individuals described in this section as a
38 result of the holding in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275.

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