

SECOND REGULAR SESSION

# HOUSE BILL NO. 2582

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ALDRIDGE.

4577H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 84, RSMo, by adding thereto thirty-seven new sections relating to the establishment of a board of police commissioners, with penalty provisions.

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

Section A. Chapter 84, RSMo, is amended by adding thereto thirty-seven new sections, to be known as sections 84.1000, 84.1010, 84.1020, 84.1030, 84.1040, 84.1050, 84.1060, 84.1070, 84.1080, 84.1090, 84.1095, 84.2000, 84.2010, 84.2020, 84.2030, 84.2040, 84.2050, 84.2060, 84.2070, 84.2075, 84.2080, 84.2090, 84.3000, 84.3010, 84.3030, 84.3040, 84.3050, 84.3060, 84.3065, 84.4030, 84.4040, 84.4041, 84.4042, 84.4043, 84.4044, 84.4045, and 84.4046, to read as follows:

**84.1000. In any county with more than four hundred thousand but fewer than five hundred thousand inhabitants, there shall be established a board of police, to consist of four commissioners, as provided in sections 84.1040 to 84.1080, together with the county executive for such county, and the board shall appoint one of its members as president and one member who shall act as vice president during the absence of the president. 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.**

**84.1010. 1. Beginning July 1, 2023, the board of police commissioners established under section 84.1000 shall assume control of any police force established within any city with more than eighty-five thousand but fewer than ninety-five thousand inhabitants according to the procedures and requirements of this section and any rules promulgated under subsection 6 of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance**

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.

7 of the police force and provide for an equitable employment transition for commissioned  
8 and civilian personnel.

9       2. Upon the assumption of control by the board of police commissioners under  
10 subsection 1 of this section, any police department within any city with more than  
11 eighty-five thousand but fewer than ninety-five thousand inhabitants shall convey,  
12 assign, and otherwise transfer to the board title and ownership of all indebtedness and  
13 assets including, but not limited to, all funds and real and personal property held in the  
14 name of or controlled by the municipal police department.

15       3. Upon the assumption of control by the board of police commissioners under  
16 subsection 1 of this section, the state shall accept responsibility, ownership, and liability  
17 as successor-in-interest for contractual obligations, indebtedness, and other lawful  
18 obligations of the police department.

19       4. The board of police commissioners shall initially employ, without a reduction  
20 in rank, salary, or benefits, all commissioned and civilian personnel of the municipal  
21 police department who were employed by the municipal police department immediately  
22 prior to the date the board assumed control. The board shall recognize all accrued  
23 years of service that such commissioned and civilian personnel had with the municipal  
24 police department. Such personnel shall be entitled to the same holidays, vacation, and  
25 sick leave they were entitled to as employees of the municipal police department.

26       5. The commissioned and civilian personnel who retired from service with the  
27 municipal police department before the board of police commissioners assumed control  
28 of the department under subsection 1 of this section shall continue to be entitled to the  
29 same pension benefits provided as employees of the municipal police department and  
30 the same benefits set forth in subsection 4 of this section.

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

      84.1020. Venue for any civil action involving the board of police commissioners  
2 established under section 84.1000 shall be appropriate in the circuit court of judicial  
3 circuit in which such county is located.

**84.1030. Beginning January 1, 2023, the governor of the state of Missouri, by  
2 and with the advice and consent of the senate, shall appoint the four commissioners  
3 provided for in section 84.1000. One commissioner shall be appointed for a term of one  
4 year, one commissioner shall be appointed for a term of two years, one commissioner  
5 shall be appointed for a term of three years, and one commissioner shall be appointed  
6 for a term of four years. The successors to such commissioners shall each be appointed  
7 for a term of four years, and the commissioners shall hold office for their term of  
8 appointment and until such successors have been appointed and qualified. In case of a  
9 vacancy on the board for any cause, it shall be filled by appointment for the unexpired  
10 term, in the same manner as the original appointments. The governor shall issue  
11 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 when the term of office of any commissioner  
14 expires, the appointment of his or her successor shall be for four years.**

**84.1040. The commissioners appointed under section 84.1030 shall be citizens of  
2 the state of Missouri and shall have been residents of the county for a period of four  
3 years next preceding their appointment. The commissioners shall, except as specified in  
4 sections 84.1030 and 84.1080, hold their offices for four years, and until their respective  
5 successors are appointed and qualified, and each receive a salary of one thousand  
6 dollars per annum, payable monthly. Before entering upon the duties of their offices,  
7 the commissioners and the county executive shall take and subscribe before a circuit or  
8 associate circuit judge of the circuit court of judicial circuit in which such county is  
9 located, or the clerk thereof, the oath or affirmation prescribed by the Constitution of  
10 Missouri, and shall also take and subscribe before the same judge or clerk the further  
11 oath or affidavit that in any and every appointment or removal to be made by them to  
12 or from the police force created and to be organized by them under sections 84.1000 to  
13 84.4046, they will in no case and under no pretext appoint or remove any police officer,  
14 or other person under them, on account of the political opinions of such police officer or  
15 other person, or for any other cause or reason than the fitness or unfitness of such a  
16 person. The oaths or affirmations shall be recorded and preserved among the records of  
17 the circuit court.**

**84.1050. One of the commissioners shall be appointed by the board to serve as  
2 treasurer. His or her appointment, when made, shall be certified to by the clerk of the  
3 circuit court of the judicial circuit in which the county is located, under the seal of the  
4 court. The treasurer shall hold office for such time as may be designated by the  
5 commissioners, who may be remove him or her. Before entering upon the duties of  
6 treasurer, he or she shall give bond to the state of Missouri, with one or more sureties, in**

7 the penalty of ten thousand dollars, conditioned for the faithful discharge of his or her  
8 duties as treasurer of the board, and for the faithful application and payment over,  
9 pursuant to the order and direction of the board, of all moneys which may come to his  
10 or her hands as treasurer. The bond of the treasurer shall be approved by a circuit  
11 judge of the judicial circuit in which the county is located and shall be delivered to and  
12 safely kept by the county treasurer.

84.1060. 1. The board shall appoint a secretary to act as such for the board of  
2 police commissioners, to be appointed in the same manner as other officers, and such  
3 appointment shall be in addition to the number of appointments. The secretary shall  
4 serve at the pleasure of the board.

5 2. The salary of the secretary shall be determined and fixed by the board, and no  
6 other provisions of this chapter shall apply in the determination of the amount of the  
7 salary of the secretary.

8 3. Each person appointed to serve as secretary shall be a resident of the county.

84.1070. A majority of the board shall constitute a quorum. The failure or  
2 refusal of the county executive of the county to qualify or act shall not impair the right  
3 or duty of the commissioners to organize and proceed as provided in sections 84.1000 to  
4 84.4046. When a vacancy occurs on the board, the vacancy shall be filled by the  
5 governor of the state of Missouri.

84.1080. When a commissioner, during his or her term of office, accepts any  
2 other place of public trust or emolument or who, during the same period, knowingly  
3 receives any nomination for an elected office without publicly declining the same within  
4 twenty days succeeding such nomination, or becomes a candidate for the nomination for  
5 any office at the hands of any political party, he or she shall thereby forfeit or vacate his  
6 or her office. Any commissioner may be removed by the governor of the state of  
7 Missouri upon the governor being fully satisfied that the commissioner is guilty of any  
8 official misconduct.

84.1090. The duties of the board shall be as follows: The board shall, at all times  
2 of the day and night, within the boundaries of the city, as well on water as on land:

- 3 (1) Preserve the public peace, prevent crime, and arrest offenders;
- 4 (2) Protect the rights of persons and property;
- 5 (3) Guard the public health;
- 6 (4) Preserve order at every public election, and at all public meetings and places,  
7 and on all public occasions;
- 8 (5) Prevent and remove nuisances on all streets, highways, waters, and other  
9 places;

10           **(6) Provide a proper police force at every fire for the protection of firemen and**  
11 **property;**

12           **(7) Protect emigrants and travelers at steamboat landings and railway stations;**

13           **(8) Ensure that all laws relating to elections and to the observance of Sunday,**  
14 **and regulating pawnbrokers, gamblers, intemperance, lotteries and lottery policies,**  
15 **vagrants, disorderly persons, and the public health are enforced;**

16           **(9) Enforce all laws and all ordinances passed or which may be passed by the**  
17 **city council or any other law of the state, which may be properly enforceable by a police**  
18 **force;**

19           **(10) Possess the power of arrest in cases they have any reason to believe that any**  
20 **person within the city intends to commit any breaches of the peace, or violation of the**  
21 **law or order beyond the city limits. Any person charged with the commission of crime**  
22 **in the city and against whom criminal process are issued, may be arrested upon the**  
23 **same in any part of this state by the police force created or authorized by sections**  
24 **84.1000 to 84.4046; provided, however, that before the person so arrested shall be**  
25 **removed from the city in which such arrest is made he or she shall be taken before some**  
26 **judge, to whom the papers authorizing such arrest shall be submitted; and the person so**  
27 **arrested shall not be removed from the city, but shall be discharged, unless such judge**  
28 **endorses and approves the papers;**

29           **(11) Possess the power to administer oaths or affirmations in the premises, to any**  
30 **person appearing or called before them; and**

31           **(12) Possess the power to summon and compel the attendance of witnesses before**  
32 **them, whenever it is necessary for the more effectual discharge of their duties.**

**84.1095. All causes of action against the members of the board of police**  
2 **commissioners in their official capacity shall be commenced in the circuit court of the**  
3 **judicial court where the county is located.**

**84.2000. To enable the board of police commissioners to perform the duties**  
2 **imposed upon them, they are hereby authorized and required to appoint, enroll, and**  
3 **employ a permanent police force for the city which they shall equip and arm as they**  
4 **may judge necessary. Except as provided below, the number of patrol officers to be**  
5 **appointed shall not be more than one thousand six hundred eighty-three of which**  
6 **number not more than two hundred fifty are to be probationary patrol officers. Any**  
7 **increase in the number of patrol officers authorized, in addition to that provided for**  
8 **above, shall be permitted upon recommendation by the board of police commissioners,**  
9 **with the approval of the city council of estimate and apportionment. The number of**  
10 **turnkeys to be appointed shall be sixty-five, except that for each patrol officer hereafter**  
11 **promoted, demoted, removed, resigned, or otherwise separated from the force, an**

12 additional turnkey may be appointed, but under no circumstances shall more than one  
13 hundred fifty turnkeys be appointed. As each additional turnkey is appointed, the  
14 maximum number of patrol officers to be appointed shall be reduced accordingly so that  
15 when one hundred fifty turnkeys have been appointed, the number of patrol officers to  
16 be appointed shall not be more than one thousand five hundred ninety-eight.

84.2010. Eight hours shall constitute the time of regular service for the members  
2 of the police force for such city during any one day of twenty-four hours, but nothing  
3 herein shall be so construed as to prevent the board of police commissioners from  
4 suspending the operation of such rule fixing the time of regular daily service of such  
5 police officers in case of existing emergencies, and the board shall have full power to  
6 determine the existence and duration of such emergencies, and their finding in respect  
7 thereto shall not be subject to review by any other power.

84.2020. 1. No person shall be appointed or employed as police officer or  
2 turnkey who shall have been convicted of, or against whom any indictment may be  
3 pending, for any offense, the punishment of which may be confinement in the  
4 penitentiary; nor shall any person be so appointed who is not of good character, who is  
5 not a citizen of the United States, who is not able to read and write the English language,  
6 or who does not possess ordinary physical strength and courage. The patrol officers and  
7 turnkeys appointed shall serve while they shall faithfully perform their duties and  
8 possess mental and physical ability and be subject to removal only for cause after a  
9 hearing by the board, who are hereby invested with the jurisdiction in the premises.

10 2. The board shall have the sole discretion whether to delegate portions of its  
11 jurisdiction to hearing officers. The board shall retain final and ultimate authority over  
12 such matters and over the person to whom the delegation may be made. In any hearing  
13 before the board under this section, the member involved may make application to the  
14 board to waive a hearing before the board and request that a hearing be held before a  
15 hearing officer.

16 3. Nothing in this section or chapter shall be construed to prohibit the board of  
17 police commissioners from delegating any task related to disciplinary matters,  
18 disciplinary hearings, or any other hearing or proceeding which could otherwise be  
19 heard by the board or concerning any determination related to whether an officer is  
20 able to perform the necessary functions of the position. Such tasks may be delegated by  
21 the board to a hearing officer under the provisions of subsection 4 of this section.

22 4. (1) The hearing officer to whom a delegation has been made by the board  
23 may, at the sole discretion of the board, perform certain functions including, but not  
24 limited to, the following:

25 (a) Presiding over a disciplinary matter from its inception through to the final  
26 hearing;

27 (b) Preparing a report to the board of police commissioners; and

28 (c) Making recommendations to the board of police commissioners as to the  
29 allegations and the appropriateness of the recommended discipline.

30 (2) The board shall promulgate rules, which may be changed from time to time  
31 as determined by the board, and shall make such rules known to the hearing officer or  
32 others.

33 (3) The board shall at all times retain the authority to render the final decision  
34 after a review of the relevant documents, evidence, transcripts, videotaped testimony, or  
35 report prepared by the hearing officer.

36 5. Hearing officers shall be selected in the following manner:

37 (1) The board shall establish a panel of not less than five persons, all who are to  
38 be licensed attorneys in good standing with the Missouri Bar. The composition of the  
39 panel may change from time to time at the board's discretion;

40 (2) From the panel, the relevant member or officer and a police department  
41 representative shall alternatively and independently strike names from the list with the  
42 last remaining name being the designated hearing officer. The board shall establish a  
43 process to be utilized for each hearing which will determine which party makes the first  
44 strike and the process may change from time to time;

45 (3) After the hearing officer is chosen and presides over a matter, such hearing  
46 officer shall become ineligible until all hearing officers listed have been utilized, at  
47 which time the list shall renew, subject to officers' availability.

48 6. Nothing in this section shall be construed to authorize the board of police  
49 commissioners to remove or discharge any chief, as that term is defined in section  
50 106.273.

84.2030. The board may reappoint all members of the police force who have  
2 resigned to enter the military service of the United States during any war in which the  
3 United States is engaged, without loss of rank, and with the same effect as if an  
4 indefinite leave of absence had been granted such members, upon condition that an  
5 application for such reappointment shall be made within ninety days after the  
6 applicant's discharge from military service and that the applicant is mentally and  
7 physically qualified for police duty. The board may make such reappointments  
8 notwithstanding that it may cause the number of police officers employed to  
9 temporarily exceed the number authorized. All necessary reductions in rank shall be  
10 made to enable the board to reappoint officers above the rank of patrol officer to the

11 end that the number of such officers shall not exceed that provided for in section  
12 84.2050.

84.2040. The board shall grant every member of the police force who has served  
2 for one year or more a total of three weeks vacation each year with pay, and each  
3 member of the police force who has served the department for twelve years or more  
4 shall receive four weeks vacation each year with pay, and each member of the police  
5 force who has served the department for twenty-one years or more shall receive five  
6 weeks vacation each year with pay, and each member of the police force who has served  
7 the department for thirty years or more and is eligible to participate in the deferred  
8 retirement option plan shall receive six weeks vacation each year with pay; however, the  
9 board may grant an additional week of paid vacation to members after one year of  
10 service. All members of the police force shall receive fifteen holidays with pay however,  
11 the board may grant additional holidays with pay, and one hundred four days off duty  
12 each year with pay, and the board may from time to time grant additional days off duty  
13 each year with pay when in the judgment of the board, the granting thereof will not  
14 materially impair the efficiency of the department.

84.2050. The officers of the police force in any city with more than eighty-five  
2 thousand but fewer than ninety-five thousand inhabitants shall be as follows: one chief  
3 of police with the rank of colonel; lieutenant colonels, not to exceed five in number and  
4 other such ranks and number of members within such ranks as the board from time to  
5 time deems necessary. The officers of the police force shall have commissions issued to  
6 them by the board of police commissioners, and those commissioned shall serve so long  
7 as they shall faithfully perform their duties and possess the necessary mental and  
8 physical ability, and be subject to removal only for cause after a hearing by the board,  
9 who are hereby invested with exclusive jurisdiction in the premises.

84.2060. 1. Beginning August 28, 2022, the board of police commissioners shall  
2 have the authority to compute and establish the annual salary of each member of the  
3 police force without receiving prior authorization from the general assembly.

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



13           **(1) Be paid from the general funds of either the city or the board of police**  
14 **commissioners; or**

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

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

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

33           **5. Notwithstanding the provisions of subsection 1 of this section to the contrary,**  
34 **probationary patrol officers and patrol officers shall receive additional compensation**  
35 **for authorized overtime, court time, and court standby time when the total accumulated**  
36 **time exceeds forty hours. The accumulated forty hours shall be taken as compensatory**  
37 **time off at the officer's discretion with the approval of his supervisor.**

38           **6. The allowance of compensation or compensatory time off for court standby**  
39 **time shall be computed at the rate of one-third of one hour for each hour spent on court**  
40 **standby time.**

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

49           **8. The board of police commissioners:**

50           **(1) Shall provide or contract for life insurance coverage and for insurance**  
51 **benefits providing health, medical, and disability coverage for officers and employees of**  
52 **the department;**

53           **(2) Shall provide or contract for insurance coverage providing salary**  
54 **continuation coverage for officers and employees of the police department;**

55           **(3) Shall provide health, medical, and life insurance coverage for retired officers**  
56 **and employees of the police department. Health, medical, and life insurance coverage**  
57 **shall be made available for purchase to the spouses or dependents of deceased retired**  
58 **officers and employees of the police department who receive pension benefits pursuant**  
59 **to chapter 86 at the rate that such dependent's or spouse's coverage would cost under**  
60 **the appropriate plan if the deceased were living; and**

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

64           **9. Notwithstanding the provisions of subsection 1 of this section to the contrary,**  
65 **the board of police commissioners shall pay additional compensation to members of the**  
66 **police force up to and including the rank of police officer for any full hour worked**  
67 **between the hours of 11 p.m. and 7 a.m., in amounts equal to five percent of the officer's**  
68 **base hourly pay.**

69           **10. The board of police commissioners, from time to time and in its discretion,**  
70 **may pay additional compensation to police officers, sergeants, and lieutenants by paying**  
71 **commissioned officers in such ranks for accumulated, unused vacation time. Any such**  
72 **payments shall be made in increments of not less than forty hours, and at rates**  
73 **equivalent to the base straight-time rates being earned by the officers at the time of**  
74 **payment; except that, no such officer shall be required to accept payment for**  
75 **accumulated unused vacation time.**

**84.2070. 1. When any vacancy occurs in any grade of officers, such vacancy**  
2 **shall be filled from the next lowest grade; provided, however, that probationary patrol**  
3 **officers shall serve at least six months as such before being promoted to the rank of**  
4 **patrol officer; patrol officers shall serve at least three years as such before being**  
5 **promoted to the rank of sergeant; sergeants shall serve at least one year as such before**  
6 **being promoted to the rank of lieutenant; lieutenants shall serve at least one year as**  
7 **such before being promoted to the rank of captain; and in no case shall the chief or**  
8 **assistant chief be selected from persons not members of the force or below the grade of**  
9 **captain. Patrol officers shall serve at least three years as such before promotion to the**  
10 **rank of detective; the inspector shall be taken from persons in the rank not below the**  
11 **grade of lieutenant.**

12           **2. The board of police commissioners is hereby authorized to make all such rules**  
13 **and regulations, not inconsistent with sections 84.1000 to 84.4040, or other laws of the**  
14 **state, as they may judge necessary, for the appointment, employment, uniforming,**  
15 **discipline, trial, and government of the police. The board shall also have power to**  
16 **require of any officer bond with sureties when they may consider it demanded by the**  
17 **public interests. All lawful rules and regulations of the board shall be obeyed by the**  
18 **police force on pain of dismissal or such lighter punishment, either by suspension, fine,**  
19 **reduction or forfeiture of pay, or otherwise as the board may adjudge.**

20           **3. The authority possessed by the board of police includes, but is not limited to,**  
21 **the authority to delegate portions of its powers authorized in section 84.2020, including**  
22 **presiding over a disciplinary hearing, to a hearing officer as determined by the board.**

**84.2075. 1. Upon recommendation of the chief of police, the board may**  
2 **authorize and provide for the organization of a police reserve force composed of**  
3 **members who receive a service retirement under chapter 86 and who qualify under the**  
4 **provisions of section 84.2020. Such reserve force shall be under the command of the**  
5 **chief of police and shall be provided training, equipment, uniforms, and arms as the**  
6 **chief shall direct with the approval of the board. Members of the reserve force shall**  
7 **possess all of the powers of regular police officers and shall be subject to all laws and**  
8 **regulations applicable to police officers; provided, however, that the city council or**  
9 **other governing body of any such city may in its discretion fix a total in number which**  
10 **the reserve force may not exceed.**

11           **2. In event of a riot or other emergencies as declared and defined by the county**  
12 **executive, in concurrence with the board, the board, upon recommendation of the chief,**  
13 **may appoint special officers or patrol officers for temporary service in addition to the**  
14 **police reserve force herein provided for, but the length of time for which such officers or**  
15 **patrol officers shall be employed shall be limited to the time during which such**  
16 **emergency shall exist.**

**84.2080. No police officer shall be allowed to receive any money, gratuity, or**  
2 **compensation for any service he or she may render without the consent of the board of**  
3 **police commissioners; and all such moneys as any police officer may be so permitted to**  
4 **receive shall be paid over to the board, and together with all the proceeds of all fines,**  
5 **forfeitures, and unreclaimed property which may come to the possession of the board,**  
6 **or to be recovered by them under the provisions of sections 84.1000 to 84.4040, or any**  
7 **other law or ordinance, shall be disposed of in accordance with rules adopted by the**  
8 **board, subject to the provisions of the laws of this state controlling and directing the**  
9 **dispensation of such funds.**

**84.2090. 1. The board of police commissioners are hereby authorized to provide themselves with such office and office furniture, and such clerks and subordinates as they shall need; and to have and use a common seal.**

**2. The board, for all the purposes of sections 84.1000 to 84.4040, shall have the use of the fire alarm telegraph of such city for police purposes, and all station houses, watch boxes, firearms, equipment, accoutrements and other accommodations and things provided by such city, for the use and service of the police, as fully and to the same extent as the same are now used by or for any present police, or as fully and to the same extent as the same may be used by any police force in any city to which sections 84.1000 to 84.4040 may hereafter apply; and the county executive and council, and all persons and officers in charge thereof, are hereby ordered and required to allow such use accordingly. In case the county executive and council of any of such city, or its officers or agents, refuse or neglect to allow such use, as and when the same shall be required by the board created by sections 84.1000 to 84.4040, or refuse to set aside and appropriate the revenue necessary to carry out the provisions of sections 84.1000 to 84.4040, or place obstructions or hindrances in the way of the proper discharge of the powers of such board, the board may apply to the circuit courts of the judicial circuit in which such city may be located, in the name of the state, for a mandamus to compel a compliance with the provisions of this section, and the application thereof shall be heard and decided by the court. One week's notice of the application shall be given, and the respondent or respondents shall have the right to answer within the week; and if testimony be needed on either side, the same shall be taken within ten days after the same is filed, or the week shall be expired. From the decision in the circuit court in the premises either party may appeal within ten days; and it shall be the duty of the clerk of such courts to send up the record immediately, and the appeal shall be heard immediately by the supreme court, if then in session, and if not in session, at the next term. In both courts, the case shall be taken up and tried in preference to all others.**

**84.3000. It shall be the duty of the sheriff of the county in which any city to which sections 84.1000 to 84.4040 apply shall be located, whenever called on for that purpose by the board, to act under their control for the preservation of the public peace and quiet; and, if ordered by them to do so, he or she shall summon the posse comitatus for that purpose, and hold and employ such posse subject to their direction; whenever the exigency or circumstances may, in their judgment, warrant it, the board shall have the power to assume the control and command of all conservators of the peace of the city to which sections 84.1000 to 84.4040 apply, whether sheriff, constable, police officer, or others, and they shall act under the orders of the board and not otherwise.**

**84.3010. 1. It shall be the duty of the board of police commissioners, annually on or before the last day of February of each year to prepare, in writing, on such forms as may be prescribed for budget preparation purposes by such city for departments of city government, an estimate of the sum of money which will be necessary for the subsequent fiscal year, to enable them to discharge the duties hereby imposed upon them, and to meet the expenses of the police department. Such estimate shall include, but not be limited to, all reasonably anticipated revenues of such board from all sources including, but not limited to, grants from the federal or state governments, governmental agencies or other grantors and forfeitures of property and proceeds of forfeited property, a table of organization, line items for personnel, supplies, maintenance, repairs, services and contractual requirements, and a statement comparing receipts and expenses for the last prior full fiscal year, the current fiscal year, and the fiscal year to which the estimate pertains. The board shall forthwith certify such estimate to the board of common council or municipal assembly, as the case may be, of the city, who are hereby required to set apart and appropriate the amount so certified, payable out of the revenue of the city, after having first deducted the amount necessary to pay the interest upon the indebtedness of the city, the amount necessary for the expenses of the city hospital and health department, the amount necessary for lighting the city, and any sum required by law to be placed to the credit of the sinking fund of the city. During a fiscal year for which an appropriation has been so made, the board shall not transfer funds appropriated for one line item of such appropriation to any other line item without the prior approval of the municipal board of estimate and apportionment.**

**2. The board of police commissioners shall pass upon all claims presented against them for the expenses incurred in the discharge of their duties as herein provided, and shall certify, by their president and secretary, all such claims as are entitled to payment and all salary rolls for salaries as provided in sections 84.1000 to 84.4040, and such claims and salary rolls, when so certified, shall be duly audited and paid by the proper disbursing officer or officers of the city within five days after being audited, out of any moneys in the city treasury not appropriated to the specific purposes above enumerated; provided, however, that the amount of the claims and salary rolls so certified shall not exceed, in any one year, the amount so estimated for that year to the common council or municipal assembly of such city. The council of the city shall have no power or authority to levy or collect any taxes or appropriate any money for the payment of any police force, other than that organized and employed under sections 84.1000 to 84.4040. No officer or servant of the county executive or the common council or municipal assembly of the city shall disburse any money for the payment of any police force other than that organized and employed under sections 84.1000 to 84.4040,**

38 and the power of the county executive and common council or municipal assembly to  
39 appropriate and disburse money for the payment of the police force organized and  
40 employed under sections 84.1000 to 84.4040 shall be exercised as in this section directed  
41 and not otherwise.

84.3030. The commissioners of police shall cause all persons arrested by the  
2 police to be brought before some proper judge within the counties, to be dealt with  
3 according to law. Proper police officers in charge of police station houses may, if the  
4 offense charged against any person is aailable one, at the request of such person, take  
5 from him or her a recognizance in such sum as may seem to be sufficient and proper  
6 with sufficient sureties for his appearance at the proper time before some judge, but no  
7 attorney at law, police officer, and no official or employee holding office under the  
8 counties, or the state of Missouri, and no clerk in the employ of such officer, officials or  
9 employees shall be accepted as surety upon such bond or bonds; the proper officers in  
10 charge of the station houses may administer oaths to parties qualifying as such surety or  
11 sureties; and may refuse to receive as such surety or sureties any and all parties with  
12 unsavory reputations or who, as professional bondsmen, tend to defeat the ends of  
13 justice, and no one shall be accepted as bondsman who shall have standing against him  
14 or her an unsatisfied judgment rendered on a forfeited bond; such proper police officers  
15 in charge of police stations may, prior to the appearance of any person arrested before  
16 some proper judge, refuse to admit to the presence of arrested persons confined in  
17 stations, all persons who have the reputation of being what is known as grafters or  
18 shysters, or those attorneys who are guilty of the practice of soliciting business.

84.3040. The board of police commissioners shall establish the Bertillon system  
2 of identification of criminals and others by means of anthropometric indications, and  
3 they are further required to employ such additional assistance as may be necessary to  
4 properly conduct and manage this department.

84.3050. The board of police commissioners shall cause a full journal of their  
2 proceedings to be kept, and shall also cause all their receipts and disbursements of  
3 money to be faithfully entered in books to be procured and kept for that purpose, and  
4 the journal, and all the books, and all other documents in possession of the board, shall  
5 always be open to the inspection of the general assembly of the state of Missouri or any  
6 committee appointed by it for that purpose. It shall be the duty of the board to report to  
7 the city council at each annual session thereof, the number and expenses of the police  
8 force employed by it under sections 84.1000 to 84.4040, and all such other matters as  
9 may be of public interest, in connection with the duties assigned it by sections 84.1000 to  
10 84.4040.

2           **84.3060.** The board of police commissioners, whenever and for so long a time as  
3 may be necessary, may out of the force provided for in section 84.2000, appoint, mount  
4 and equip as many police officers for duty in the parks, outskirts and such other  
5 portions of the city as the board may deem necessary.

2           **84.3065.** The board of police commissioners may appoint such number of women  
3 members of the police force as they deem necessary, and such women members shall  
4 have and exercise all the powers of the other members of the police force.

2           **84.4030.** The members of the police force of the city covered by sections 84.1000  
3 to 84.4040, organized and appointed by the board of police commissioners, are hereby  
4 declared to be officers of the city, under the charter and ordinances thereof, and also to  
5 be officers of the state of Missouri, and shall be so deemed and taken in all courts having  
6 jurisdiction of offenses against the laws of this state or the ordinances of the city.

2           **84.4040.** Except as provided under section 590.750, the police chief of the city  
3 shall have power to regulate and license all private watchmen, private detectives, and  
4 private police officers, serving or acting as such in the city, and no person shall act as  
5 such private watchman, private detective ,or private police officer in the city without  
6 first having obtained the written license of the president or acting president of the police  
7 commissioners, under pain of being guilty of a misdemeanor.

2           **84.4041.** No elected or appointed official of the state or any political subdivision  
3 thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or  
4 otherwise interfere with any member of a municipal police force established under  
5 sections 84.4043 to 84.4046 in the performance of his or her job duties, or with any  
6 aspect of any investigation arising from the performance of such job duties. This section  
7 shall not be construed to prevent such officials from acting within the normal course  
8 and scope of their employment or from acting to implement sections 84.4043 to 84.4046.  
9 Any person who violates this section shall be liable for a penalty of two thousand five  
10 hundred dollars for each offense and shall forever be disqualified from holding any  
11 office or employment whatsoever with the governmental entity the person served at the  
12 time of the violation. The penalty shall not be paid by the funds of any committee as the  
13 term committee is defined in section 130.011. This section shall not be construed to  
14 interfere with the punishment, under any laws of this state, of a criminal offense  
15 committed by such officials, nor shall this section apply to duly appointed members of  
16 the municipal police force, or their appointing authorities, whose conduct is otherwise  
provided for by law.

2           **84.4042.** 1. It shall be an unlawful employment practice for an official,  
3 employee, or agent of a municipal police force established under sections 84.4043 to  
4 84.4046 to discharge, demote, reduce the pay of, or otherwise retaliate against an

4 employee of the municipal police force for reporting to any superior, government  
5 agency, or the press the conduct of another employee that the reporting employee  
6 believes, in good faith, is illegal.

7 2. Any employee of the municipal police force may bring a cause of action for  
8 general or special damages based on a violation of this section.

84.4043. 1. Subject to the provisions of sections 84.4044 to 84.4046, any city  
2 located within any city with more than eighty-five thousand but fewer than ninety-five  
3 thousand inhabitants may establish a municipal police force for the purposes of:

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

5 (2) Preventing crime and arresting suspected offenders;

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

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

9 (5) Regulating and licensing all private watchmen, private detectives, and  
10 private police officers serving or acting as such in such city.

11 2. Any person who acts as a private watchman, private detective, or private  
12 police officer in such city without having obtained a written license from such city is  
13 guilty of a class A misdemeanor.

84.4044. 1. Notwithstanding any provisions of this chapter to the contrary, any  
2 city with more than eighty-five thousand but fewer than ninety-five thousand  
3 inhabitants may establish a municipal police force beginning on July 1, 2023,  
4 according to the procedures and requirements of this section. The purpose of these  
5 procedures and requirements is to provide for an orderly and appropriate transition in  
6 the governance of the police force and provide for an equitable employment transition  
7 for commissioned and civilian personnel.

8 2. Upon the establishment of a municipal police force by a city under sections  
9 84.4043 to 84.4046, the board of police commissioners shall convey, assign, and  
10 otherwise transfer to the city title and ownership of all indebtedness and assets,  
11 including, but not limited to, all funds and real and personal property held in the name  
12 of or controlled by the board of police commissioners created under sections 84.1000 to  
13 84.4040. The board of police commissioners shall execute all documents reasonably  
14 required to accomplish such transfer of ownership and obligations.

15 3. If the city establishes a municipal police force and completes the transfer  
16 described in subsection 2 of this section, the city shall provide the necessary funds for  
17 the maintenance of the municipal police force.

18 4. Before a city may establish a municipal police force under this section, the city  
19 shall adopt an ordinance accepting responsibility, ownership, and liability as successor-



20 in-interest for contractual obligations, indebtedness, and other lawful obligations of the  
21 board of police commissioners subject to the provisions of subsection 2 of section  
22 84.4045.

23 5. A city that establishes a municipal police force shall initially employ, without a  
24 reduction in rank, salary, or benefits, all commissioned and civilian personnel of the  
25 board of police commissioners created under sections 84.1000 to 84.4040 that were  
26 employed by the board immediately prior to the date the municipal police force was  
27 established. Such commissioned personnel who previously were employed by the board  
28 may only be involuntarily terminated by the city for cause. The city shall also recognize  
29 all accrued years of service that such commissioned and civilian personnel had with the  
30 board of police commissioners. Such personnel shall be entitled to the same holidays,  
31 vacation, and sick leave they were entitled to as employees of the board of police  
32 commissioners.

33 6. (1) Commissioned and civilian personnel of a municipal police force  
34 established under this section who are hired prior to September 1, 2023, shall not be  
35 subject to a residency requirement of retaining a primary residence in a city but may be  
36 required to maintain a primary residence located within a one-hour response time.

37 (2) Commissioned and civilian personnel of a municipal police force established  
38 under this section who are hired after August 31, 2023, may be subject to a residency  
39 rule no more restrictive than a requirement of retaining a primary residence in a city for  
40 a total of seven years and of then allowing the personnel to maintain a primary  
41 residence outside the city so long as the primary residence is located within a one-hour  
42 response time.

43 7. The commissioned and civilian personnel who retire from service with the  
44 board of police commissioners before the establishment of a municipal police force  
45 under subsection 1 of this section shall continue to be entitled to the same pension  
46 benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this  
47 section.

48 8. If the city elects to establish a municipal police force under this section, the  
49 city shall establish a separate division for the operation of its municipal police force.  
50 The civil service commission of the city may adopt rules and regulations appropriate for  
51 the unique operation of a police department. Such rules and regulations shall reserve  
52 exclusive authority over the disciplinary process and procedures affecting commissioned  
53 officers to the civil service commission; however, until such time as the city adopts such  
54 rules and regulations, the commissioned personnel shall continue to be governed by the  
55 board of police commissioner's rules and regulations in effect immediately prior to the  
56 establishment of the municipal police force, with the police chief acting in place of the

57 board of police commissioners for purposes of applying the rules and regulations.  
58 Unless otherwise provided for, existing civil service commission rules and regulations  
59 governing the appeal of disciplinary decisions to the civil service commission shall apply  
60 to all commissioned and civilian personnel. The civil service commission's rules and  
61 regulations shall provide that records prepared for disciplinary purposes shall be  
62 confidential, closed records available solely to the civil service commission and those  
63 who possess authority to conduct investigations regarding disciplinary matters pursuant  
64 to the civil service commission's rules and regulations. A hearing officer shall be  
65 appointed by the civil service commission to hear any such appeals that involve  
66 discipline resulting in a suspension of greater than fifteen days, demotion, or  
67 termination, but the civil service commission shall make the final findings of fact,  
68 conclusions of law, and decision which shall be subject to any right of appeal under  
69 chapter 536.

70 9. A city that establishes and maintains a municipal police force under this  
71 section:

72 (1) Shall provide or contract for life insurance coverage and for insurance  
73 benefits providing health, medical, and disability coverage for commissioned and  
74 civilian personnel of the municipal police force to the same extent as was provided by  
75 the board of police commissioners under section 84.160;

76 (2) Shall provide or contract for medical and life insurance coverage for any  
77 commissioned or civilian personnel who retired from service with the board of police  
78 commissioners or who were employed by the board of police commissioners and retire  
79 from the municipal police force of a city to the same extent such medical and life  
80 insurance coverage was provided by the board of police commissioners under section  
81 84.2060;

82 (3) Shall make available medical and life insurance coverage for purchase to the  
83 spouses or dependents of commissioned and civilian personnel who retire from service  
84 with the board of police commissioners or the municipal police force and deceased  
85 commissioned and civilian personnel who receive pension benefits under sections 86.200  
86 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the  
87 appropriate plan if the deceased were living; and

88 (4) May pay an additional shift differential compensation to commissioned and  
89 civilian personnel for evening and night tours of duty in an amount not to exceed ten  
90 percent of the officer's base hourly rate.

91 10. A city that establishes a municipal police force under sections 84.4043 to  
92 84.4046 shall establish a transition committee of five members for the purpose of:  
93 coordinating and implementing the transition of authority, operations, assets, and

94 obligations from the board of police commissioners to the city; winding down the affairs  
95 of the board; making nonbinding recommendations for the transition of the police force  
96 from the board to the city; and other related duties, if any, established by executive  
97 order of the county executive. Once the ordinance referenced in this section is enacted,  
98 the city shall provide written notice to the board of police commissioners and the  
99 governor of the state of Missouri. Within thirty days of such notice, the county  
100 executive shall appoint three members to the committee, two of whom shall be members  
101 of a statewide law enforcement association that represents at least five thousand law  
102 enforcement officers. The remaining members of the committee shall include the police  
103 chief of the municipal police force and a person who currently or previously served as a  
104 commissioner on the board of police commissioners, who shall be appointed to the  
105 committee by the county executive.

84.4045. 1. Except as required for the board of police commissioners to conclude  
2 its affairs and pursue legal claims and defenses, upon the establishment of a municipal  
3 police force, the terms of office of the commissioners of the board of police created  
4 under sections 84.1000 and 84.1030 shall expire, and the provisions of sections 84.1000  
5 to 84.4040 shall not apply to any city or its municipal police force as of such date. The  
6 board shall continue to operate, if necessary, to wind down the board's affairs until the  
7 transfer of ownership and obligations under subsection 2 of section 84.4044 has been  
8 completed. During such time, the board of police commissioners shall designate and  
9 authorize its secretary to act on behalf of the board for purposes of performing the  
10 board's duties and any other actions incident to the transfer and winding down of the  
11 board's affairs.

12 2. For any claim, lawsuit, or other action arising out of actions occurring before  
13 the date of completion of the transfer provided under subsection 2 of section 84.4044,  
14 the state shall continue to provide legal representation as set forth in section 105.726,  
15 and the state legal expense fund shall continue to provide reimbursement for such  
16 claims under section 105.726. This subsection applies to all claims, lawsuits, and other  
17 actions brought against any commissioner, police officer, employee, agent,  
18 representative, or any individual or entity acting or purporting to act on its or their  
19 behalf.

20 3. Notwithstanding any other provision of law, rule, or regulation to the  
21 contrary, any city that establishes a municipal police force under sections 84.4043 to  
22 84.4046 shall not be restricted or limited in any way in the selection of a police chief or  
23 chief of the division created under subsection 8 of section 84.4044.

24 4. It shall be the duty of the sheriff for any county, when called upon by the  
25 police chief of the municipal police force, to act under the police chief's control for the

26 **preservation of the public peace and quiet; and, when the exigency or circumstances**  
27 **may, in the police chief's judgment, warrant it, the police chief shall have the power to**  
28 **assume the control and command of all local and municipal conservators of the peace of**  
29 **the city, whether sheriff, constable, police officer, or others, and they shall act under the**  
30 **orders of the police chief and not otherwise.**

**84.4046. Any police pension system created under chapter 86 for the benefit of a**  
2 **police force shall apply to any police force established under section 84.1000 to 84.4046.**  
3 **Nothing in sections 84.1000 to 84.4046 shall be construed as limiting or changing the**  
4 **rights or benefits provided under chapter 86.**

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