

FIRST REGULAR SESSION

SENATE BILL NO. 280

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0376S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.346, and 105.726, RSMo, and to enact in lieu thereof twelve 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Section A. Sections 84.030, 84.100, 84.140, 84.150, 2 84.160, 84.170, 84.346, and 105.726, RSMo, are repealed and 3 twelve new sections enacted in lieu thereof, to be known as 4 sections 84.005, 84.012, 84.030, 84.100, 84.140, 84.150, 5 84.160, 84.170, 84.225, 84.325, 84.346, and 105.726, to read as 6 follows:

84.005. Sections 84.005 to 84.340 shall be known as 2 the "Safer St. Louis Act of 2023".

84.012. In all cities of this state not within a 2 county, the common council or municipal assembly, as the 3 case may be, of such cities may pass ordinances for 4 preserving order, securing property and persons from 5 violence, danger or destruction, protecting public and 6 private property, and for promoting the interests and 7 ensuring the good government of the cities; but no 8 ordinances heretofore passed, or that may hereafter be 9 passed, by the common council or municipal assembly of the 10 cities, shall, in any manner, conflict or interfere with the 11 powers or the exercise of the powers of the boards of police 12 commissioners of the cities as created by section 84.020,

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

13 nor shall the cities or any officer or agent of the
14 corporation of the cities, or the mayor thereof, in any
15 manner impede, obstruct, hinder, or interfere with the
16 boards of police or any officer, or agent or servant thereof
17 or thereunder.

84.030. Beginning on [January 9, 1989] **August 28,**
2 **2023, and no later than September 28, 2023,** the governor of
3 the state of Missouri, by and with the advice and consent of
4 the senate, shall appoint the four commissioners provided
5 for in section 84.020, and one commissioner shall be
6 appointed for a term of one year; one commissioner shall be
7 appointed for a term of two years; one commissioner shall be
8 appointed for a term of three years; one commissioner shall
9 be appointed for a term of four years. Their successors
10 shall each be appointed for a term of four years, and said
11 commissioners shall hold office for their term of
12 appointment and until their successors shall have been
13 appointed and qualified. In case of a vacancy in said board
14 for any cause whatsoever, it shall be filled by appointment
15 for the unexpired term, in the same manner as in the case of
16 original appointments. The governor shall issue commissions
17 to the persons so appointed, designating the time for which
18 they are appointed in case the appointment is to fill an
19 unexpired term occasioned by death, resignation or any other
20 cause, and whenever the term of office of any commissioner
21 expires, the appointment of his successor shall be for four
22 years. [The commissioners now holding offices under
23 existing laws in any city of this state to which sections
24 84.010 to 84.340 apply are to hold their offices until the
25 expiration of their terms, and their successors are duly
26 appointed and qualified.]

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

84.140. The boards shall grant every member of the
2 police force who has served for one year or more a total of
3 three weeks vacation each year with pay, and each member of
4 the police force who has served the department for ~~twelve~~
5 **five** years or more shall receive ~~four~~ **five** weeks vacation

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

84.150. The **maximum number of** officers of the police
2 force **in each rank** in each such city shall be as follows:
3 one chief of police with the rank of colonel; **one assistant**
4 **chief of police with the rank of lieutenant colonel; four**
5 **additional** lieutenant colonels[, ~~not to exceed five in~~
6 ~~number and other such ranks and number of members within~~
7 ~~such ranks as the board from time to time deems necessary~~];
8 **ten captains; fifty-seven lieutenants; and one hundred and**
9 **eighty-eight sergeants.** No further appointments to the rank
10 of major shall hereafter be made, but all members of the
11 force now holding the rank of major shall continue in such
12 rank until their promotion, demotion, removal, resignation,
13 or other separation from the force. The officers of the

14 police force shall have commissions issued to them by the
15 boards of police commissioners, and those heretofore and
16 those hereafter commissioned shall serve so long as they
17 shall faithfully perform their duties and possess the
18 necessary mental and physical ability, and be subject to
19 removal only for cause after a hearing by the board, who are
20 hereby invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006] **2023**, the board of
2 police commissioners shall have the authority to compute and
3 establish the annual salary of each member of the police
4 force without receiving prior authorization from the general
5 assembly, **which shall not be less than the annual salaries**
6 **paid to each member at the time of the enactment of this**
7 **section and which annual salary shall increase by no less**
8 **than four thousand dollars as of July 1, 2024.**

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

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

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

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

40 4. Notwithstanding the provisions of subsection 1 of
41 this section to the contrary, the board of police
42 commissioners shall pay additional compensation for all
43 hours of service rendered by probationary patrolmen [and],
44 patrolmen, **and sergeants** in excess of the established
45 regular working period, and the rate of compensation shall
46 be one and one-half times the regular hourly rate of pay to
47 which each member shall normally be entitled; except that,
48 the court time and court standby time shall be paid at the
49 regular hourly rate of pay to which each member shall
50 normally be entitled. No credit shall be given or
51 deductions made from payments for overtime for the purpose
52 of retirement benefits.

53 5. Notwithstanding the provisions of subsection 1 of
54 this section to the contrary, probationary patrolmen [and],
55 patrolmen, **and sergeants** shall receive additional
56 compensation for authorized overtime, court time and court
57 standby time whenever the total accumulated time exceeds

58 forty hours. The accumulated forty hours shall be taken as
59 compensatory time off at the officer's discretion with the
60 approval of his supervisor.

61 6. The allowance of compensation or compensatory time
62 off for court standby time shall be computed at the rate of
63 one-third of one hour for each hour spent on court standby
64 time.

65 7. The board of police commissioners **[may] shall**
66 effect programs to provide additional compensation to its
67 employees for successful completion of academic work at an
68 accredited college or university, in amounts not to exceed
69 ten percent of their yearly salaries or for field training
70 officer and lead officer responsibilities in amounts not to
71 exceed three percent of their yearly salaries for field
72 training officer responsibilities and an additional three
73 percent of their yearly salaries for lead officer
74 responsibilities. The board may designate up to one hundred
75 fifty employees as field training officers and up to fifty
76 employees as lead officers.

77 8. The board of police commissioners:

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

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

87 (3) Shall provide health, medical, and life insurance
88 coverage for retired officers and employees of the police
89 department **to the same extent as was provided by the city**

90 **under section 84.344.** Health, medical and life insurance
91 coverage shall be made available for purchase to the spouses
92 or dependents of deceased retired officers and employees of
93 the police department who receive pension benefits pursuant
94 to sections 86.200 to 86.364 **to the same extent as was**
95 **provided by the city under section 84.344, and shall be** at
96 the rate that such dependent's or spouse's coverage would
97 cost under the appropriate plan if the deceased were living;

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

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

109 10. The board of police commissioners, from time to
110 time and in its discretion, may pay additional compensation
111 to police officers, sergeants and lieutenants by paying
112 commissioned officers in the aforesaid ranks for
113 accumulated, unused vacation time. Any such payments shall
114 be made in increments of not less than forty hours, and at
115 rates equivalent to the base straight-time rates being
116 earned by said officers at the time of payment; except that,
117 no such officer shall be required to accept payment for
118 accumulated unused vacation time.

84.170. 1. When any vacancy shall take place in any
2 grade of officers, it shall be filled from the next lowest
3 grade; provided, however, that probationary patrolmen shall

4 serve at least six months as such before being promoted to
5 the rank of patrolman; patrolmen shall serve at least three
6 years as such before being promoted to the rank of sergeant;
7 sergeants shall serve at least one year as such before being
8 promoted to the rank of lieutenant; lieutenants shall serve
9 at least one year as such before being promoted to the rank
10 of captain; and in no case shall the chief or assistant
11 chief be selected from men not members of the force or below
12 the grade of captain. Patrolmen shall serve at least three
13 years as such before promotion to the rank of detective; the
14 inspector shall be taken from men in the rank not below the
15 grade of lieutenant.

16 2. The boards of police are hereby authorized to make
17 all such rules and regulations, not inconsistent with
18 sections 84.010 to 84.340, or other laws of the state, as
19 they may judge necessary, for the appointment, employment,
20 uniforming, discipline, trial and government of the police.
21 **At the time of the effective date of this act and until such**
22 **time as the board adopts other investigative and**
23 **disciplinary policies and procedures not inconsistent with**
24 **section 590.502, discipline and investigative procedures for**
25 **commissioned and civilian employees of the police force**
26 **shall be regulated by rule 7 of the police manual of the**
27 **police department in effect as of November 4, 2013, except**
28 **that where rule 7 is in conflict with section 590.502, the**
29 **board shall comply with the requirements of section**
30 **590.502. Under no circumstances shall the board initially**
31 **or hereafter adopt investigative and disciplinary procedures**
32 **that do not include the summary hearing board procedures**
33 **provided for in rule 7 of the police manual of the police**
34 **department in effect as of November 4, 2013. The said**
35 boards shall also have power to require of any officer or

36 policeman bond with sureties when they may consider it
37 demanded by the public interests. All lawful rules and
38 regulations of the board shall be obeyed by the police force
39 on pain of dismissal or such lighter punishment, either by
40 suspension, fine, reduction or forfeiture of pay, or
41 otherwise as the boards may adjudge.

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

**84.225. Any officer or servant of the mayor or common
2 council or municipal assembly of the said cities, or other
3 persons whatsoever, who shall forcibly resist or obstruct
4 the execution or enforcement of any of the provisions of
5 sections 84.010 to 84.340 or relating to the same, or who
6 shall disburse or fail to disburse any money in violation
7 thereof, or who shall hinder or obstruct the organization or
8 maintenance of said board of police, or the police force
9 therein provided to be organized and maintained, or who
10 shall maintain or control any police force other than the
11 one therein provided for, or who shall delay or hinder the
12 due enforcement of sections 84.010 to 84.340 by failing or
13 neglecting to perform the duties by said sections imposed
14 upon him or her, shall be liable to a penalty of one
15 thousand dollars for each and every offense, recoverable by
16 the boards by action at law in the name of the state, and
17 shall forever thereafter be disqualified from holding or
18 exercising any office or employment whatsoever under the
19 mayor or common council or municipal assembly of said
20 cities, or under sections 84.010 to 84.340; provided,
21 however, that nothing in this section shall be construed to**

22 interfere with the punishment, under any existing or any
23 future laws of this state, of any criminal offense which
24 shall be committed by the said parties in or about the
25 resistance, obstruction, hindrance, conspiracy, combination,
26 or disbursement aforesaid.

84.325. 1. On August 28, 2023, the board of police
2 commissioners shall assume control of any municipal police
3 force established within any city not within a county
4 according to the procedures and requirements of this section
5 and any rules promulgated under subsection 6 of this
6 section. The purpose of these procedures and requirements
7 is to provide for an orderly and appropriate transition in
8 the governance of the police force and provide for an
9 equitable employment transition for commissioned and
10 civilian personnel.

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

23 3. Upon the assumption of control by the board of
24 police commissioners under subsection 1 of this section, the
25 state shall accept responsibility, ownership, and liability
26 as successor-in-interest for contractual obligations and
27 other lawful obligations of the municipal police

28 department. As used herein, "obligations" shall not
29 include, and shall not be construed to include, the city's
30 obligation to make contributions pursuant to section 86.337
31 to any police pension system created under chapter 86.

32 4. The board of police commissioners shall initially
33 employ, without a reduction in rank, salary, or benefits,
34 all commissioned and civilian personnel of the municipal
35 police department that were employed by the municipal police
36 department immediately prior to the date the board assumed
37 control. The board shall recognize all accrued years of
38 service that such commissioned and civilian personnel had
39 with the municipal police department as well as all accrued
40 years of service that such commissioned and civilian
41 personnel had previously with the board of police
42 commissioners. Such personnel shall be entitled to the same
43 holidays, vacation, sick leave, sick bonus time, and annual
44 step-increases they were entitled to as employees of the
45 municipal police department.

46 5. The commissioned and civilian personnel who retire
47 from service with the municipal police department both
48 before and after the board of police commissioners assumed
49 control of the department under subsection 1 of this section
50 shall continue to be entitled to the same pension benefits
51 provided as employees of the municipal police department and
52 the same benefits set forth in subsection 4 of this section.

53 6. The board of police commissioners may promulgate
54 all necessary rules and regulations for the implementation
55 and administration of this section. Any rule or portion of
56 a rule, as that term is defined in section 536.010, that is
57 created under the authority delegated in this section shall
58 become effective only if it complies with and is subject to
59 all of the provisions of chapter 536 and, if applicable,

60 **section 536.028. This section and chapter 536 are**
61 **nonseverable and if any of the powers vested with the**
62 **general assembly pursuant to chapter 536 to review, to delay**
63 **the effective date, or to disapprove and annul a rule are**
64 **subsequently held unconstitutional, then the grant of**
65 **rulemaking authority and any rule proposed or adopted after**
66 **August 28, 2023, shall be invalid and void.**

84.346. Any police pension system created under
2 chapter 86 for the benefit of a police force established
3 under sections [84.010] **84.005** to 84.340 shall continue to
4 be governed by chapter 86, and shall apply to any police
5 force established under section 84.343 to 84.346. Other
6 than any provision that makes chapter 86 applicable to a
7 municipal police force established under section 84.343 to
8 84.346, nothing in sections 84.343 to 84.346 shall be
9 construed as limiting or changing the rights or benefits
10 provided under chapter 86.

105.726. 1. Nothing in sections 105.711 to 105.726
2 shall be construed to broaden the liability of the state of
3 Missouri beyond the provisions of sections 537.600 to
4 537.610, nor to abolish or waive any defense at law which
5 might otherwise be available to any agency, officer, or
6 employee of the state of Missouri. Sections 105.711 to
7 105.726 do not waive the sovereign immunity of the state of
8 Missouri.

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

14 3. Moneys in the state legal expense fund shall not be
15 available for the payment of any claim or any amount

16 required by any final judgment rendered by a court of
17 competent jurisdiction against a board of police
18 commissioners established under chapter 84, including the
19 commissioners, any police officer, notwithstanding sections
20 84.330 and 84.710, or other provisions of law, other
21 employees, agents, representative, or any other individual
22 or entity acting or purporting to act on its or their
23 behalf. Such was the intent of the general assembly in the
24 original enactment of sections 105.711 to 105.726, and it is
25 made express by this section in light of the decision in
26 Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d
27 275. Except that the commissioner of administration shall
28 reimburse from the legal expense fund the board of police
29 commissioners established under [section 84.350, and any
30 successor-in-interest established pursuant to section
31 84.344,] **chapter 84** for liability claims otherwise eligible
32 for payment under section 105.711 paid by such [board]
33 **boards on a twenty-one equal share basis per claim** up to a
34 maximum of one million dollars per fiscal year.

35 4. [Subject to the provisions of subsection 2 of
36 section 84.345,] If the representation of the attorney
37 general is requested by a board of police commissioners [or
38 its successor-in-interest established pursuant to section
39 84.344], the attorney general shall represent, investigate,
40 defend, negotiate, or compromise all claims under sections
41 105.711 to 105.726 for the board of police commissioners,
42 its successor-in-interest pursuant to section 84.344, any
43 police officer, other employees, agents, representatives, or
44 any other individual or entity acting or purporting to act
45 on their behalf. The attorney general may establish
46 procedures by rules promulgated under chapter 536 under
47 which claims must be referred for the attorney general's

48 representation. The attorney general and the officials of
49 the city which the police board represents [or represented]
50 shall meet and negotiate reasonable expenses or charges that
51 will fairly compensate the attorney general and the office
52 of administration for the cost of the representation of the
53 claims under this section.

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

✓