

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 80
91ST GENERAL ASSEMBLY

0237L.04T

2001

AN ACT

To repeal sections 32.056, 57.010, 57.020, 57.030, 94.577, 488.5336, 544.170, 570.120, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180 and 590.650, RSMo 2000, and to enact in lieu thereof forty-eight new sections relating to law enforcement, with penalty provisions and emergency clauses.

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

Section A. Sections 32.056, 57.010, 57.020, 57.030, 94.577, 488.5336, 544.170, 570.120, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180 and 590.650, RSMo 2000, are repealed and forty-eight new sections enacted in lieu thereof, to be known as sections 32.056, 57.010, 57.020, 57.030, 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872, 67.1874, 67.1876, 67.1878, 67.1880, 67.1882, 67.1884, 67.1886, 67.1888, 67.1890, 67.1892, 67.1894, 67.1896, 67.1898, 70.827, 70.829, 70.831, 70.833, 94.577, 488.5336, 544.170, 570.120, 590.010, 590.020, 590.030, 590.040, 590.050, 590.060, 590.070, 590.080, 590.090, 590.100, 590.110, 590.120, 590.180, 590.190, 590.195 and 590.650, to read as follows:

32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family** based on a specific request for such information from any person. Any person who is a county, state or federal parole officer

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

7 or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100,**
8 **RSMo**, may notify the department of such status and the department shall protect the
9 confidentiality of the records on such a person **and his or her immediate family** as required by
10 this section. This section shall not prohibit the department from releasing information on a
11 motor registration list pursuant to section 32.055 **or from releasing information on any officer**
12 **who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier**
13 **Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.**

57.010. 1. At the general election to be held in 1948, and at each general election held
2 every four years thereafter, the voters in every county in this state shall elect some suitable
3 person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a
4 felony. Such person shall be a resident taxpayer and elector of said county, shall have resided
5 in said county for more than one whole year next before filing for said office and shall be a
6 person capable of efficient law enforcement. When any person shall be elected sheriff, [he] **such**
7 **person** shall enter upon the discharge of the duties of [his] **such person's** office **as chief law**
8 **enforcement officer of that county** on the first day of January next succeeding [his] **said**
9 election.

10 2. Beginning January 1, 2003, any sheriff who does not hold a valid peace officer
11 license pursuant to chapter 590, RSMo, shall refrain from personally executing any of the
12 police powers of the office of sheriff, including but not limited to participation in the
13 activities of arrest, detention, vehicular pursuit, search and interrogation. Nothing in this
14 section shall prevent any sheriff from administering the execution of police powers through
15 duly commissioned deputy sheriffs. This subsection shall not apply:

16 (1) During the first twelve months of the first term of office of any sheriff who is
17 eligible to become licensed as a peace officer and who intends to become so licensed within
18 twelve months after taking office; or

19 (2) To the sheriff of any county of the first classification with a charter form of
20 government with a population over nine hundred thousand.

57.020. Every sheriff shall, within fifteen days after he [receives the certificate of his
2 election or appointment,] **or she is sworn into office**, give bond to the state in a sum not less
3 than five thousand dollars nor more than fifty thousand dollars, with sureties approved by the
4 presiding judge of the circuit court, conditioned for the faithful discharge of his duties; which
5 bond shall be filed in the office of the clerk of the circuit court of the county.

57.030. Should any sheriff be reelected, he shall give a new bond and security within
2 fifteen days from [his election,] **the date that he or she is sworn into office**; and should he **or**
3 **she** fail to do so, his **or her** former sureties shall not be held liable for any business done by him
4 after the fifteen days expire.

2 **67.1860. Sections 67.1860 to 67.1898 shall be known as the "Missouri Law**
3 **Enforcement District Act".**

4 **67.1862. As used in sections 67.1860 to 67.1898, the following terms mean:**

5 **(1) "Approval of the required majority" or "direct voter approval", a simple**
6 **majority;**

7 **(2) "Board", the board of directors of a district;**

8 **(3) "District", a law enforcement district organized pursuant to sections 67.1860**
9 **to 67.1898.**

10 **67.1864. 1. A district may be created to fund, promote, plan, design, construct,**
11 **improve, maintain and operate one or more projects relating to law enforcement or to**
12 **assist in such activity.**

13 **2. A district is a political subdivision of the state.**

14 **3. A district may be created in any county of the first classification without a**
15 **charter form of government and a population of fifty thousand inhabitants or less.**

16 **67.1866. 1. Whenever the creation of a district is desired, ten percent of the**
17 **registered voters within the proposed district may file a petition requesting the creation of**
18 **a district. The petition shall be filed in the circuit court of the county in which the**
19 **proposed district is located.**

20 **2. The proposed district area shall be contiguous and may contain any portion of**
21 **one or more municipalities.**

22 **3. The petition shall set forth:**

23 **(1) The name and address of each owner of real property located within the**
24 **proposed district or who is a registered voter resident within the proposed district;**

25 **(2) A specific description of the proposed district boundaries including a map**
26 **illustrating such boundaries;**

27 **(3) A general description of the purpose or purposes for which the district is being**
28 **formed; and**

29 **(4) The name of the proposed district.**

30 **4. In the event any owner of real property within the proposed district who is**
31 **named in the petition or any legal voter resident within the district shall not join in the**
32 **petition or file an entry of appearance and waiver of service of process in the case, a copy**
33 **of the petition shall be served upon said owner or legal voter in the manner provided by**
34 **supreme court rule for the service of petitions generally. Any objections to the petition**
35 **shall be raised by answer within the time provided by supreme court rule for the filing of**
36 **an answer to a petition.**

37 **67.1868. 1. Any owner of real property within the proposed district and any legal**

2 voter who is a resident within the proposed district may join in or file a petition supporting
3 or answer opposing the creation of the district and seeking a judgment respecting these
4 same issues.

5 2. The court shall hear the case without a jury. If the court determines the petition
6 is defective or the proposed district or its plan of operation is unconstitutional, it shall enter
7 its judgment to that effect and shall refuse to incorporate the district as requested in the
8 pleadings. If the court determines the petition is not legally defective and the proposed
9 district and plan of operation are not unconstitutional, the court shall determine and
10 declare the district organized and incorporated and shall approve the plan of operation
11 stated in the petition.

12 3. Any party having filed a petition or answer to a petition may appeal the circuit
13 court's order or judgment in the same manner as provided for other appeals. Any order
14 either refusing to incorporate the district or incorporating the district shall be a final
15 judgment for purposes of appeal.

67.1870. The costs of filing and defending the petition and all publication and
2 incidental costs incurred in obtaining circuit court certification of the petition for voter
3 approval shall be paid by the petitioners. If a district is organized pursuant to sections
4 67.1860 to 67.1898, the petitioners may be reimbursed for such costs out of the revenues
5 received by the district.

67.1872. A district created pursuant to sections 67.1860 to 67.1898 shall be
2 governed by a board of directors consisting of five members to be elected as provided in
3 section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has
2 become final, the circuit clerk of the county in which the petition was filed shall give notice
3 by causing publication to be made once a week for two consecutive weeks in a newspaper
4 of general circulation in the county, the last publication of which shall be at least ten days
5 before the day of the meeting required by this section, to call a meeting of the owners of
6 real property and registered voters resident within the district at a day and hour specified
7 in a public place in the county in which the petition was filed for the purpose of electing
8 a board of five directors, two to serve one year, two to serve two years, and one to serve
9 three years, to be composed of residents of the district.

10 2. The attendees, when assembled, shall organize by the election of a chairman and
11 secretary of the meeting who shall conduct the election.

12 3. Each director shall serve for a term of three years and until such director's
13 successor is duly elected and qualified. Successor directors shall be elected in the same
14 manner as the initial directors at a meeting of the residents called by the board. Each

15 successor director shall serve a three-year term. The remaining directors shall have the
16 authority to elect an interim director to complete any unexpired term of a director caused
17 by resignation or disqualification.

18 4. Directors shall be at least twenty-one years of age.

67.1876. 1. The board shall possess and exercise all of the district's legislative and
2 executive powers.

3 2. Within thirty days after the election of the initial directors, the board shall meet.
4 At its first meeting and after each election of new board members the board shall elect a
5 chairman, a secretary, a treasurer and such other officers as it deems necessary from its
6 members. A director may fill more than one office, except that a director may not fill both
7 the office of chairman and secretary.

8 3. The board may employ such employees as it deems necessary; provided,
9 however, that the board shall not employ any employee who is related within the third
10 degree by blood or marriage to a member of the board.

11 4. At the first meeting, the board, by resolution, shall define the first and
12 subsequent fiscal years of the district, and shall adopt a corporate seal.

13 5. A simple majority of the board shall constitute a quorum. If a quorum exists,
14 a majority of those voting shall have the authority to act in the name of the board, and
15 approve any board resolution.

16 6. Each director shall devote such time to the duties of the office as their faithful
17 discharge may require and may be reimbursed for such director's actual expenditures in
18 the performance of such director's duties on behalf of the district.

67.1878. A district may receive and use funds for the purposes of planning,
2 designing, constructing, reconstructing, maintaining and operating one or more projects
3 relating to law enforcement. Such funds may be derived from any funding method which
4 is authorized by sections 67.1860 to 67.1898 and from any other source, including but not
5 limited to funds from federal sources, the state of Missouri or an agency of the state, a
6 political subdivision of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the qualified voters voting on
2 the question in the district, the district may impose a property tax in an amount not to
3 exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The
4 district board may levy a property tax rate lower than its approved tax rate ceiling and
5 may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter
6 approval. The property tax shall be uniform throughout the district.

7 2. The ballot of submission shall be substantially in the following form:

8 Shall the Law Enforcement District impose a property tax upon all real and

9 tangible personal property within the district at a rate of not more than (insert
10 amount) cents per hundred dollars assessed valuation for the purpose of providing revenue
11 for the development of a project (or projects) in the district (insert general description of
12 the project or projects, if necessary)?

13 G YES

G NO

14

15 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
16 opposed to the question, place an "X" in the box opposite "NO".

17 3. The county collector of each county in which the district is partially or entirely
18 located shall collect the property taxes and special benefit assessments made upon all real
19 property and tangible personal property within that county and the district, in the same
20 manner as other property taxes are collected.

21 4. Every county collector having collected or received district property taxes shall,
22 on or before the fifteenth day of each month and after deducting his or her commissions,
23 remit to the treasurer of that district the amount collected or received by him or her prior
24 to the first day of the month. Upon receipt of such money, the district treasurer shall
25 execute a receipt therefor, which he or she shall forward or deliver to the collector. The
26 district treasurer shall deposit such sums into the district treasury, credited to the
27 appropriate project or purpose. The collector and district treasurer shall make final
28 settlement of the district account and commissions owing, not less than once each year, if
29 necessary.

67.1882. 1. A district may contract and incur obligations appropriate to accomplish
2 its purposes.

3 2. A district may enter into any lease or lease-purchase agreement for or with
4 respect to any real or personal property necessary or convenient for its purposes.

5 3. A district may borrow money for its purposes at such rates of interest as the
6 district may determine.

7 4. A district may enter into labor agreements, establish all bid conditions, decide
8 all contract awards, pay all contractors and generally supervise the operation of the
9 district.

67.1884. The district may contract with a federal agency, a state or its agencies and
2 political subdivisions, a corporation, partnership or individual regarding funding,
3 promotion, planning, designing, constructing, improving, maintaining, or operating a
4 project or to assist in such activity; provided, however, that any contract providing for the
5 overall management and operation of the district shall only be with a governmental entity
6 or a not for profit corporation.

67.1886. In addition to all other powers granted by sections 67.1860 to 67.1898 the district shall have the following general powers:

- (1) To contract with the local sheriff's department for the provision of services;**
- (2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;**
- (3) To fix compensation of its employees and contractors;**
- (4) To purchase any personal property necessary or convenient for its activities;**
- (5) To collect and disburse funds for its activities; and**
- (6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.**

67.1888. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.

67.1890. 1. The boundaries of any district organized pursuant to sections 67.1860 to 67.1898 may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

- (1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed**

13 to give assent of the petitioners to the inclusion in, or removal from, the district of the
14 property described in the petition. Such petition shall be in substantially the form set forth
15 for petitions in chapter 116, RSMo; provided that, in the event that there are more than
16 twenty-five property owners or taxpaying electors signing the petition, it shall be deemed
17 sufficient description of their property in the petition as required in this section to list the
18 addresses of such property; or

19 (2) All of the owners of any territory or tract of land near or adjacent to a district
20 in the case of annexation, or all of the owners of any territory or tract of land within a
21 district in the case of deannexation, who own all of the real estate in such territory or tract
22 of land may file a petition with the board praying that such real property be included in,
23 or removed from, the district. The petition shall describe the property owned by the
24 petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or
25 removal from, the district of the property described in the petition.

26 3. The secretary of the board shall cause notice of the filing of any petition filed
27 pursuant to this section to be given and published in the county in which the property is
28 located, which notice shall recite the filing of such petition, the number of petitioners, a
29 general description of the boundaries of the area proposed to be included or removed and
30 the prayer of the petitioners; giving notice to all persons interested to appear at the office
31 of the board at the time named in the notice and show cause in writing, if any they have,
32 why the petition should not be granted. The board shall at the time and place mentioned,
33 or at such time or times to which the hearing may be adjourned, proceed to hear the
34 petition and all objections thereto presented in writing by any person showing cause why
35 the petition should not be granted. The failure of any person interested to show cause in
36 writing why such petition shall not be granted shall be deemed as an assent on his or her
37 part to the inclusion of such lands in, or removal of such lands from, the district as prayed
38 for in the petition.

39 4. If the board deems it for the best interest of the district, it shall grant the petition,
40 but if the board determines in the case of annexation that some portion of the property
41 mentioned in the petition cannot as a practical matter be served by the district, or if it
42 deems in the case of annexation that it is in the best interest of the district that some
43 portion of the property in the petition not be included in the district, or if in the case of
44 deannexation it deems that it is impracticable for any portion of the property to be
45 deannexed from the district, then the board shall grant the petition in part only. If the
46 petition is granted, the board shall make an order to that effect and file the petition with
47 the circuit clerk. Upon the order of the court having jurisdiction over the district, the
48 property shall be included in, or removed from, the district. If the petition contains the

49 signatures of all the owners of the property pursuant to the provisions of subdivision (2)
50 of subsection 2 of this section, the property shall be included in, or removed from, the
51 district upon the order of the court. If the petition contains the signatures of twenty-five
52 percent of the number of voters who voted in the most recent gubernatorial election in the
53 area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section,
54 the property shall be included in, or removed from, the district subject to the election
55 provided in section 67.1892. The circuit court having jurisdiction over the district shall
56 proceed to make any such order including such additional property within the district, or
57 removing such property from the district, as is provided in the order of the board, unless
58 the court shall find that such order of the board was not authorized by law or that such
59 order of the board was not supported by competent and substantial evidence.

60 5. Any person aggrieved by any decision of the board made pursuant to the
61 provisions of this section may appeal that decision to the circuit court of the county in
62 which the property is located within thirty days of the decision by the board.

67.1892. 1. If the petition to add or remove any territory or tract of land to the
2 district contained fewer than all of the signatures required pursuant to subdivision (2) of
3 subsection 2 of section 67.1890, the decree of extension or retraction of boundaries shall not
4 become final and conclusive until it has been submitted to an election of the voters residing
5 within the boundaries described in such decree and until it has been assented to by a
6 majority vote of the voters in the newly included area, or the area to be removed, voting
7 on the question. The decree shall also provide for the holding of the election to vote on the
8 proposition of extending or retracting the boundaries of the district, and shall fix the date
9 for holding the election.

10 2. The question shall be submitted in substantially the following form:

11 Shall the boundaries of the Law Enforcement District be (extended to
12 include/retracted to remove) the following described property? (Describe property)

13 G YES

G NO

14 3. If a majority of the voters voting on the proposition vote in favor of the extension
15 or retraction of the boundaries of the district, then the court shall enter its further order
16 declaring the decree of extension or retraction of the boundaries to be final and conclusive.
17 In the event, however, that the court finds that a majority of the voters voting thereon
18 voted against the proposition to extend or retract the boundaries of the district, then the
19 court shall enter its further order declaring the decree of extension or retraction of
20 boundaries to be void and of no effect.

67.1894. 1. The authority of the district to levy any property tax levied pursuant
2 to section 67.1880 may be terminated by a petition of the voters in the district in the

3 manner prescribed in this section.

4 **2. The petition for termination of authority to tax may be changed as follows:**

5 **(1) Twenty-five percent of the number of voters who voted in the most recent**
6 **gubernatorial election in the district may file with the board a petition in writing praying**
7 **that the district's authority to impose a property tax be terminated. The petition shall**
8 **specifically state that the district's authority to impose any property tax, whether or not**
9 **such a tax is being imposed at the time such petition is filed, shall be terminated. Such**
10 **petition shall be in substantially the form set forth for petitions in chapter 116, RSMo; or**

11 **(2) All of the owners of real estate in the district may file a petition with the board**
12 **praying that the district's authority to impose a property tax be terminated. The petition**
13 **shall specifically state that the district's authority to impose any property tax, whether or**
14 **not such a tax is being imposed at the time such petition is filed, shall be terminated. Such**
15 **petition shall be in substantially the form set forth for petitions in chapter 116, RSMo. The**
16 **petition shall describe the property owned by the petitioners and shall be deemed to give**
17 **assent of the petitioners to the petition.**

18 **3. The secretary of the board shall cause notice of the filing of any petition filed**
19 **pursuant to this section to be given and published in the county in which the property is**
20 **located, which notice shall recite the filing of such petition, the number of petitioners and**
21 **the prayer of the petitioners; giving notice to all persons interested to appear at the office**
22 **of the board at the time named in the notice and show cause in writing, if any they have,**
23 **why the petition should not be granted. The board shall at the time and place mentioned,**
24 **or at such time or times to which the hearing may be adjourned, proceed to hear the**
25 **petition and all objections thereto presented in writing by any person showing cause why**
26 **the petition should not be granted.**

27 **4. If the board deems it for the best interest of the district, it shall grant the petition.**
28 **If the petition is granted, the board shall make an order to that effect and file the petition**
29 **with the circuit clerk. If the petition contains the signatures of all the owners of the**
30 **property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the**
31 **authority to tax shall be terminated upon the order of the court. If the petition contains**
32 **the signatures of twenty-five percent of the number of voters who voted in the most recent**
33 **gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this**
34 **section, the authority to tax shall be terminated subject to the election provided in section**
35 **67.1896. The circuit court having jurisdiction over the district shall proceed to make any**
36 **such order terminating such taxation authority as is provided in the order of the board,**
37 **unless the court shall find that such order of the board was not authorized by law or that**
38 **such order of the board was not supported by competent and substantial evidence.**

39 **5. Any person aggrieved by any decision of the board made pursuant to the**
40 **provisions of this section may appeal that decision to the circuit court of the county in**
41 **which the property is located within thirty days of the decision by the board.**

67.1896. 1. If the petition filed pursuant to section 67.1894 contained fewer than
2 **all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1894,**
3 **the termination of taxation authority shall not become final and conclusive until it has been**
4 **submitted to an election of the voters residing within the district and until it has been**
5 **assented to by at least four-sevenths of the voters in the district voting on the question. The**
6 **decree shall also provide for the holding of the election to vote on the proposition, and shall**
7 **fix the date for holding the election.**

8 **2. The question shall be submitted in substantially the following form:**

9 **Shall the authority of the Law Enforcement District to adopt property**
10 **taxes be terminated?**

11 **G YES**

G NO

12 **3. If four-sevenths of the voters voting on the proposition vote in favor of such**
13 **termination, then the court shall enter its further order declaring the termination of such**
14 **authority, and all such taxes that are being assessed in the current calendar year pursuant**
15 **to such authority, to be final and conclusive. In the event, however, that the court finds**
16 **that less than four-sevenths of the voters voting thereon voted against the proposition to**
17 **terminate such authority, then the court shall enter its further order declaring the decree**
18 **of termination of such district's taxing authority to be void and of no effect.**

67.1898. 1. Whenever a petition signed by not less than ten percent of the
2 **registered voters in any district organized pursuant to sections 67.1860 to 67.1898 is filed**
3 **with the circuit court having jurisdiction over the district, setting forth all the relevant**
4 **facts pertaining to the district, and alleging that the further operation of the district is not**
5 **in the best interests of the inhabitants of the district, and that the district should, in the**
6 **interest of the public welfare and safety, be dissolved, the circuit court shall have authority,**
7 **after hearing evidence submitted on such question, to order a submission of the question,**
8 **after having caused publication of notice of a hearing on such petition in the same manner**
9 **as the notice required in section 67.1874, in substantially the following form:**

10 **Shall (Insert the name of the law enforcement district) Law**
11 **Enforcement District be dissolved?**

12 **G YES**

G NO

13 **2. If the court shall find that it is to the best interest of the inhabitants of the district**
14 **that such district be dissolved, it shall make an order reciting such finding and providing**
15 **for the submission of the proposition to dissolve such district to a vote of the voters of the**

16 district, setting forth such further details in its order as may be necessary to an orderly
17 conduct of such election. Such election shall be held at the municipal election. Returns of
18 the election shall be certified to the court. If the court finds that a majority of the voters
19 voting thereon shall have voted in favor of the proposition to dissolve the district, the court
20 shall make a final order dissolving the district, and the decree shall contain a proviso that
21 the district shall continue in full force for the purpose of paying all outstanding and lawful
22 obligations and disposing of property of the district; but no additional costs or obligations
23 shall be created except such as are necessary to pay such costs, obligations and liabilities
24 previously incurred, or necessary to the winding up of the district. If the court shall find
25 that a majority of the voters of the district voting thereon shall not have voted favorably
26 on the proposition to dissolve such district, then the court shall make a final order
27 declaring such result dismissing the petition praying for the dissolution of said district; and
28 the district shall continue to operate in the same manner as though the petition asking for
29 such dissolution has not been filed.

30 3. The dissolution of a district shall not invalidate or affect any right accruing to
31 such district, or to any person, or invalidate or affect any contract or indebtedness entered
32 into or imposed upon such district or person; and whenever the circuit court shall,
33 pursuant to this section, dissolve a district, the court shall appoint some competent person
34 to act as trustee for the district so dissolved and such trustee before entering upon the
35 discharge of his or her duties shall take and subscribe an oath that he or she will faithfully
36 discharge the duties of the office, and shall give bond with sufficient security, to be
37 approved by the court to the use of such dissolved district, for the faithful discharge of his
38 or her duties, and shall proceed to liquidate the district under orders of the court,
39 including the levying of any taxes provided for in sections 67.1860 to 67.1898.

70.827. As used in sections 70.827 to 70.833, the following terms mean:

- 2 (1) "Department", the department of public safety;
3 (2) "Director", the director of the department of public safety;
4 (3) "Multijurisdictional antifraud enforcement group", or "MAEG", a combination
5 of political subdivisions established pursuant to sections 70.827 to 70.833.

70.829. 1. Any two or more political subdivisions or the state highway patrol and
2 any two or more political subdivisions may by order or ordinance agree to cooperate with
3 one another in the formation of a multijurisdictional antifraud enforcement group for the
4 purpose of intensive professional investigation of fraudulent activities.

5 2. The power of arrest of any peace officer who is duly authorized as a member of
6 a MAEG unit shall only be exercised during the time such peace officer is an active
7 member of a MAEG unit and only within the scope of the investigation on which the unit

8 is working. Notwithstanding other provisions of law to the contrary, such officer shall
9 have the power of arrest, as limited in this subsection, anywhere in the state and shall
10 provide prior notification to the chief of police of the municipality in which the
11 investigation is to take place or the sheriff of the county if the investigation is to be made
12 in his or her venue. The chief of police or sheriff may elect to work with the MAEG unit
13 at his or her option when such MAEG is operating within the jurisdiction of such chief of
14 police or sheriff.

70.831. 1. A county bordering another state may enter into agreement with the
2 political subdivisions in such other state's contiguous county pursuant to section 70.220,
3 to form a multijurisdictional antifraud enforcement group for the enforcement of antifraud
4 laws and work in cooperation pursuant to sections 70.827 to 70.833.

5 2. Such other state's law enforcement officers may be deputized as officers of the
6 counties of this state participating in an agreement pursuant to subsection 1 of this section,
7 and shall be deemed to have met all requirements of peace officer training and certification
8 pursuant to chapter 590, RSMo, for the purposes of conducting investigations and making
9 arrests in this state pursuant to the provisions of section 70.829, provided such officers
10 have satisfied the applicable peace officer training and certification standards in force in
11 such other state.

12 3. Such other state's law enforcement officers shall have the same powers and
13 immunities when working under an agreement pursuant to subsection 1 of this section as
14 if working under an agreement with another political subdivision in Missouri pursuant to
15 section 70.815.

16 4. A multijurisdictional antifraud enforcement group formed pursuant to this
17 section is eligible to receive state grants to help defray the costs of its operation pursuant
18 to the terms of section 70.833.

19 5. The provisions of subsections 2, 3 and 4 of this section shall not be in force unless
20 such other state has provided or shall provide legal authority for its political subdivisions
21 to enter into such agreements and to extend reciprocal powers and privileges to the law
22 enforcement officers of this state working pursuant to such agreements.

70.833. 1. A multijurisdictional antifraud enforcement group which meets the
2 minimum criteria established in this section is eligible to receive state grants to help defray
3 the costs of operation.

4 2. To be eligible for state grants, a MAEG shall:

5 (1) Be established and operating pursuant to intergovernmental contracts written
6 and executed in conformity by law, and involve two or more units of local government;

7 (2) Establish a MAEG policy board composed of an elected official, or a designee,

8 and the chief law enforcement officer from each participating unit of local government to
9 oversee the operations of the MAEG and make such reports to the department of public
10 safety as the department may require;

11 (3) Designate a single appropriate official of a participating unit of local
12 government to act as the financial officer of the MAEG for all participating units of the
13 local government and to receive funds for the operation of the MAEG;

14 (4) Limit its target operation to enforcement of antifraud laws;

15 (5) Cooperate with the department of public safety in order to assure compliance
16 with sections 70.827 to 70.833 and to enable the department to fulfill its duties pursuant to
17 sections 70.827 to 70.833 and supply the department with all information the department
18 deems necessary therefor.

19 3. The department of public safety shall monitor the operations of all MAEG units
20 which receive state grants. From the moneys appropriated annually, if funds are made
21 available by the general assembly for this purpose, the director shall determine and certify
22 to the auditor the amount of the grant to be made to each designated MAEG financial
23 officer. No provision of this section shall prohibit funding of multijurisdictional antifraud
24 enforcement groups by sources other than those provided by the general assembly, if such
25 funding is in accordance with and in such a manner as provided by law.

26 4. The director shall report annually, no later than January first of each year, to
27 the governor and the general assembly on the operations of the multijurisdictional
28 antifraud enforcement groups, including a breakdown of the appropriation for the current
29 fiscal year indicating the amount of the state grant each MAEG received or will receive.

94.577. 1. The governing body of any municipality except those located in whole or in
2 part within any first class county having a charter form of government and not containing any
3 part of a city with a population of four hundred thousand or more and adjacent to a city not
4 within a county for that part of the municipality located within such first class county is hereby
5 authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half
6 of one percent sales tax on all retail sales made in such municipality which are subject to taxation
7 under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital
8 improvements, including the operation and maintenance of capital improvements, which may
9 be funded by issuing bonds which will be retired by the revenues received from the sales tax
10 authorized by this section or the retirement of debt under previously authorized bonded
11 indebtedness. A municipality located in a charter county may impose a sales tax on all retail
12 sales for capital improvements as provided in section 94.890. The tax authorized by this section
13 shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing
14 a sales tax under the provisions of this section shall be effective unless the governing body of the

15 municipality submits to the voters of the municipality, at a municipal or state general, primary
16 or special election, a proposal to authorize the governing body of the municipality to impose such
17 tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such
18 bonds and their retirement by such tax, or to authorize the retirement of debt under previously
19 authorized bonded indebtedness.

20 2. The ballot of submission shall contain, but need not be limited to:

21 (1) If the proposal submitted involves only authorization to impose the tax authorized
22 by this section, the following language:

23 Shall the municipality of (municipality's name) impose a sales tax of (insert
24 amount) for the purpose of funding capital improvements which may include the retirement of
25 debt under previously authorized bonded indebtedness?

26 G YES

G NO

27

28 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
29 to the question, place an "X" in the box opposite "No"; or

30 (2) If the proposal submitted involves authorization to issue bonds and repay such bonds
31 with revenues from the tax authorized by this section, the following language:

32 Shall the municipality of (municipality's name) issue bonds in the amount
33 of (insert amount) to fund capital improvements and impose a sales tax of (insert
34 amount) to repay bonds?

35 G YES

G NO

36

37 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
38 to the question, place an "X" in box opposite "No".

39

40 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
41 of the proposal, including when the proposal authorizes the reduction of debt under previously
42 authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or
43 order and any amendments thereto shall be in effect, except that any proposal submitted under
44 subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must
45 be approved by the constitutionally required percentage of the voters voting thereon to become
46 effective. If a majority of the votes cast by the qualified voters voting are opposed to the
47 proposal, then the governing body of the municipality shall have no power to issue any bonds
48 or impose the sales tax authorized in this section unless and until the governing body of the
49 municipality shall again have submitted another proposal to authorize the governing body of the
50 municipality to issue any bonds or impose the sales tax authorized by this section, and such

51 proposal is approved by the requisite majority of the qualified voters voting thereon; however,
52 in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve
53 months from the date of the last proposal pursuant to this section, **except that any municipality**
54 **with a population of greater than four hundred thousand and located within more than one**
55 **county may submit a proposal pursuant to this section to the voters sooner than twelve**
56 **months from the date of the last proposal submitted pursuant to this section if submitted**
57 **to the voters on or before November 6, 2001.**

58 3. All revenue received by a municipality from the tax authorized under the provisions
59 of this section shall be deposited in a special trust fund and shall be used solely for capital
60 improvements, including the operation and maintenance of capital improvements, for so long as
61 the tax shall remain in effect. Once the tax authorized by this section is abolished or is
62 terminated by any means, all funds remaining in the special trust fund required by this subsection
63 shall be used solely for the maintenance of the capital improvements made with revenues raised
64 by the tax authorized by this section. Any funds in the special trust fund required by this
65 subsection which are not needed for current expenditures may be invested by the governing body
66 in accordance with applicable laws relating to the investment of other municipal funds. The
67 provisions of this subsection shall apply only to taxes authorized by this section which have not
68 been imposed to retire bonds issued pursuant to this section.

69 4. All revenue received by a municipality which issues bonds under this section and
70 imposes the tax authorized by this section to retire such bonds shall be deposited in a special
71 trust fund and shall be used solely to retire such bonds, except to the extent that such funds are
72 required for the operation and maintenance of capital improvements. Once all of such bonds
73 have been retired, all funds remaining in the special trust fund required by this subsection shall
74 be used solely for the maintenance of the capital improvements made with the revenue received
75 as a result of the issuance of such bonds. Any funds in the special trust fund required by this
76 subsection which are not needed to meet current obligations under the bonds issued under this
77 section may be invested by the governing body in accordance with applicable laws relating to
78 the investment of other municipal funds. The provisions of this subsection shall apply only to
79 taxes authorized by this section which have been imposed to retire bonds issued under this
80 section.

81 5. After the effective date of any tax imposed under the provisions of this section, the
82 director of revenue shall perform all functions incident to the administration, collection,
83 enforcement, and operation of the tax in the same manner as provided in sections 94.500 to
84 94.570, and the director of revenue shall collect in addition to the sales tax for the state of
85 Missouri the additional tax authorized under the authority of this section. The tax imposed
86 pursuant to this section and the tax imposed under the sales tax law of the state of Missouri shall

87 be collected together and reported upon such forms and under such administrative rules and
88 regulations as may be prescribed by the director of revenue. Except as modified in this section,
89 all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this
90 section.

91 6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under
92 this section may be terminated until all of such bonds have been retired.

93 7. In any city not within a county, no tax shall be imposed pursuant to this section for
94 the purpose of funding in whole or in part the construction, operation or maintenance of a sports
95 stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility
96 or anything incidental or necessary to a complex suitable for any type of professional sport or
97 recreation, either upon, above or below the ground.

98 8. The director of revenue may authorize the state treasurer to make refunds from the
99 amounts in the trust fund and credited to any municipality for erroneous payments and
100 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
101 such municipalities. If any municipality abolishes the tax, the municipality shall notify the
102 director of revenue of the action at least ninety days prior to the effective date of the repeal and
103 the director of revenue may order retention in the trust fund, for a period of one year, of two
104 percent of the amount collected after receipt of such notice to cover possible refunds or
105 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
106 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
107 municipality, the director of revenue shall remit the balance in the account to the municipality
108 and close the account of that municipality. The director of revenue shall notify each municipality
109 of each instance of any amount refunded or any check redeemed from receipts due the
110 municipality.

488.5336. 1. A surcharge of two dollars may be assessed as costs in each criminal case
2 involving violations of any county ordinance or a violation of any criminal or traffic laws of the
3 state, including infractions, or violations of municipal ordinances, provided that no such fee shall
4 be collected in any proceeding in any court when the proceeding or defendant has been dismissed
5 by the court or when costs are to be paid by the state, county or municipality. For violations of
6 the general criminal laws of the state or county ordinances, no such surcharge shall be collected
7 unless it is authorized by the county government where the violation occurred. For violations
8 of municipal ordinances, no such surcharge shall be collected unless it is authorized by the
9 municipal government where the violation occurred. Any such surcharge shall be authorized by
10 the county or municipality and written notice given to the supreme court of such authorization
11 prior to December first of the year preceding the state fiscal year during which such surcharge
12 is to be collected and disbursed in the manner provided by sections 488.010 to 488.020. If

13 imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court
14 responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer
15 of the municipality where the violation occurred in cases of violations of municipal ordinances.
16 If imposed by a county, such surcharges shall be collected and disbursed as provided in sections
17 488.010 to 488.020. Such surcharges shall be payable to the treasurer of the county where the
18 violation occurred in the case of violations of the general criminal laws of the state or county
19 ordinances. [An additional] **Without regard to whether the aforementioned surcharge is**
20 **assessed, a** surcharge in the amount of one dollar shall be assessed as provided in this section,
21 and shall be collected and disbursed as provided in sections 488.010 to 488.020 and payable to
22 the state treasury to the credit of the peace officer standards and training commission fund
23 created in section 590.178, RSMo. Such surcharges shall be in addition to the court costs and
24 fees and limits on such court costs and fees established by section 66.110, RSMo, and section
25 479.260, RSMo.

26 2. Each county and municipality shall use all funds received under this section only to
27 pay for the training required as provided in sections 590.100 to 590.180, RSMo, or for the
28 training of county coroners and their deputies **provided that any excess funds not allocated to**
29 **pay for such training may be used to pay for additional training of peace officers or for**
30 **training of other law enforcement personnel employed or appointed by the county or**
31 **municipality.** No county or municipality shall retain more than one thousand five hundred
32 dollars of such funds for each certified law enforcement officer, candidate for certification
33 employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be
34 transmitted quarterly to the general revenue fund of the county or municipality treasury which
35 assessed the costs.

544.170. **1. Except as provided in subsection 2 of this section,** all persons arrested and
2 confined in any jail[, calaboose] or other place of confinement by any peace officer, without
3 warrant or other process, for any alleged breach of the peace or other criminal offense, or on
4 suspicion thereof, shall be discharged from said custody within twenty hours from the time of
5 such arrest, unless they shall be charged with a criminal offense by the oath of some credible
6 person, and be held by warrant to answer to such offense[; and every such person shall, while so
7 confined, be permitted at all reasonable hours during the day to consult with counsel or other
8 persons in his behalf; and any person or officer who shall violate the provisions of this section,
9 by refusing to release any person who shall be entitled to such release, or by refusing to permit
10 him to see and consult with counsel or other persons, or who shall transfer any such prisoner to
11 the custody or control of another, or to another place, or prefer against such person a false charge,
12 with intent to avoid the provisions of this section, shall be deemed guilty of a misdemeanor].

13 **2. Upon a determination by the commanding officer, or the delegate thereof, of the**

14 **law enforcement agency making such an arrest, a person arrested for any of the following**
15 **offenses without warrant or other process of law, shall be released from custody within**
16 **twenty-four hours of arrest, unless the person is charged and held pursuant to a warrant**
17 **to answer for such offense:**

18 **(1) First degree murder pursuant to section 565.020, RSMo;**

19 **(2) Second degree murder pursuant to section 565.021, RSMo;**

20 **(3) First degree assault pursuant to section 565.050, RSMo;**

21 **(4) Forcible rape pursuant to section 566.030, RSMo;**

22 **(5) Forcible sodomy pursuant to section 566.060, RSMo;**

23 **(6) First degree robbery pursuant to section 569.020, RSMo; or**

24 **(7) Distribution of drugs pursuant to section 195.211, RSMo.**

25 **3. In any confinement to which the provisions of this section apply, the confinee**
26 **shall be permitted at any reasonable time to consult with counsel or other persons acting**
27 **on the confinee's behalf.**

28 **4. Any person who violates the provisions of this section, by refusing to release any**
29 **person who is entitled to release pursuant to this section, or by refusing to permit a**
30 **confinee to consult with counsel or other persons, or who transfers any such confinees to**
31 **the custody or control of another, or to another place, or who falsely charges such person,**
32 **with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.**

570.120. 1. A person commits the crime of passing a bad check when:

2 **(1) With purpose to defraud, [he] the person** makes, issues or passes a check or other
3 similar sight order for the payment of money, knowing that it will not be paid by the drawee, or
4 that there is no such drawee; or

5 **(2) [He] The person** makes, issues, or passes a check or other similar sight order for the
6 payment of money, knowing that there are insufficient funds in [his] **that** account or that there
7 is no such account or no drawee and fails to pay the check or sight order within ten days after
8 receiving actual notice in writing that it has not been paid because of insufficient funds or credit
9 with the drawee or because there is no such drawee.

10 **2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing**
11 **means notice of the nonpayment which is actually received by the defendant. Such notice may**
12 **include the service of summons or warrant upon the defendant for the initiation of the**
13 **prosecution of the check or checks which are the subject matter of the prosecution if the**
14 **summons or warrant contains information of the ten-day period during which the instrument may**
15 **be paid and that payment of the instrument within such ten-day period will result in dismissal**
16 **of the charges. The requirement of notice shall also be satisfied for written communications**
17 **which are tendered to the defendant and which the defendant refuses to accept.**

18 3. The face amounts of any bad checks passed pursuant to one course of conduct within
19 any ten-day period may be aggregated in determining the grade of the offense.

20 4. Passing bad checks is a class A misdemeanor, unless:

21 (1) The face amount of the check or sight order or the aggregated amounts is one
22 hundred fifty dollars or more; or

23 (2) The issuer had no account with the drawee or if there was no such drawee at the time
24 the check or order was issued, in which cases passing bad checks is a class D felony.

25 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney
26 or circuit attorney who takes any action [under] **pursuant to** the provisions of this section shall
27 collect from the issuer in such action an administrative handling cost. The cost shall be five
28 dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one
29 hundred dollars, and twenty-five dollars for checks of one hundred dollars or more. **For checks**
30 **of one hundred dollars or more an additional fee of ten percent of the face amount shall**
31 **be assessed, with a maximum fee for administrative handling costs not to exceed fifty**
32 **dollars total.** Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs
33 provided for in this subsection shall be deposited by the county treasurer into a separate
34 interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds
35 shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing
36 the treasurer to issue checks thereon, only for purposes related to that previously authorized in
37 this section. Any revenues that are not required for the purposes of this section may be placed
38 in the general revenue fund of the county or city not within a county.

39 (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney
40 for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial
41 and witness preparation, additional employees for the staff of the prosecuting or circuit attorney
42 and employees' salaries.

43 (3) This fund may be audited by the state auditor's office or the appropriate auditing
44 agency.

45 (4) If the moneys collected and deposited into this fund are not totally expended
46 annually, then the unexpended balance shall remain in said fund and the balance shall be kept
47 in said fund to accumulate from year to year.

48 6. Notwithstanding any other provisions of law to the contrary, in addition to the
49 administrative handling costs provided for in subsection 5 of this section, the prosecuting
50 attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face
51 amount of the check, a reasonable service charge, which along with the face amount of the check
52 shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney
53 or circuit attorney does not collect the service charge and the face amount of the check, the party

54 to whom the check was issued may collect from the issuer a reasonable service charge along with
55 the face amount of the check.

56 7. In all cases where a prosecutor receives notice from the original holder that a person
57 has violated this section with respect to a payroll check or order, the prosecutor, if he determines
58 there is a violation of this section, shall file an information or seek an indictment within sixty
59 days of such notice and may file an information or seek an indictment thereafter if the prosecutor
60 has failed through neglect or mistake to do so within sixty days of such notice and if he
61 determines there is sufficient evidence shall further prosecute such cases.

62 8. When any financial institution returns a dishonored check to the person who deposited
63 such check, it shall be in substantially the same physical condition as when deposited, or in such
64 condition as to provide the person who deposited the check the information required to identify
65 the person who wrote the check.

590.010. As used in this chapter, the following terms mean:

2 (1) "Commission", when not obviously referring to the POST commission, means
3 a grant of authority to act as a peace officer;

4 (2) "Director", the director of the Missouri department of public safety or his or
5 her designated agent or representative;

6 (3) "Peace officer", a law enforcement officer of the state or any political
7 subdivision of the state with the power of arrest for a violation of the criminal code or
8 declared or deemed to be a peace officer by state statute;

9 (4) "POST commission", the peace officer standards and training commission;

10 (5) "Reserve peace officer", a peace officer who regularly works less than thirty
11 hours per week.

**590.020. 1. No person shall hold a commission as a peace officer without a valid
2 peace officer license.**

3 **2. The director shall establish various classes of peace officer license and may
4 provide that certain classes are not valid for commission within counties of certain
5 classifications, by certain state agencies, or for commission as other than a reserve peace
6 officer with police powers restricted to the commissioning political subdivision.**

7 **3. Notwithstanding any other provision of this chapter, no license shall be required:**

8 (1) Of any person who has no power of arrest;

9 (2) To seek or hold an elected county office, subject to such requirements as chapter
10 57, RSMo, may impose;

11 (3) To be commissioned pursuant to section 64.335, RSMo, as a park ranger not
12 carrying a firearm;

13 (4) To be commissioned as a peace officer by a political subdivision having less than

14 four full-time paid peace officers or a population less than two thousand, provided that
15 such commission was in effect on the effective date of this section and continually since that
16 date, and provided that this exception shall not apply to any commission within a county
17 of the first class having a charter form of government;

18 (5) Of any reserve officer continually holding the same commission since August
19 15, 1988; or

20 (6) For any person continually holding any commission as a full-time peace officer
21 since December 31, 1978.

22 4. Any political subdivision or law enforcement agency may require its peace
23 officers to meet standards more stringent than those required for licensure pursuant to this
24 chapter.

590.030. 1. The POST commission shall establish minimum standards for the basic
2 training of peace officers. Such standards may vary for each class of license established
3 pursuant to subsection 2 of section 590.020.

4 2. The director shall establish minimum age, citizenship, and general education
5 requirements and may require a qualifying score on a certification examination as
6 conditions of eligibility for a peace officer license.

7 3. The director shall provide for the licensure, with or without additional basic
8 training, of peace officers possessing credentials by other states or jurisdictions, including
9 federal and military law enforcement officers.

10 4. The director shall establish a procedure for obtaining a peace officer license and
11 shall issue the proper license when the requirements of this chapter have been met.

12 5. As conditions of licensure, all licensed peace officers shall:

13 (1) Obtain continuing law enforcement education pursuant to rules to be
14 promulgated by the POST commission; and

15 (2) Maintain a current address of record on file with the director.

16 6. A peace officer license shall automatically expire if the licensee fails to hold a
17 commission as a peace officer for a period of five consecutive years, provided that the
18 POST commission shall provide for the relicensure of such persons and may require
19 retraining as a condition of eligibility for relicensure, and provided that the director may
20 provide for the continuing licensure, subject to restrictions, of persons who hold and
21 exercise a law enforcement commission requiring a peace officer license but not meeting
22 the definition of a peace officer pursuant to this chapter.

590.040. 1. The POST commission shall set the minimum number of hours of basic
2 training for licensure as a peace officer no lower than four hundred seventy and no higher
3 than six hundred, with the following exceptions:

4 (1) Up to one thousand hours may be mandated for any class of license required for
5 commission by a state law enforcement agency;

6 (2) As few as one hundred twenty hours may be mandated for any class of license
7 restricted to commission as a reserve peace officer with police powers limited to the
8 commissioning political subdivision;

9 (3) Persons validly licensed on August 28, 2001, may retain licensure without
10 additional basic training;

11 (4) Persons licensed and commissioned within a county of the third classification
12 before July 1, 2002, may retain licensure with one hundred twenty hours of basic training
13 if the commissioning political subdivision has adopted an order or ordinance to that effect;
14 and

15 (5) The POST commission shall provide for the recognition of basic training
16 received at law enforcement training centers of other states, the military, the federal
17 government and territories of the United States regardless of the number of hours included
18 in such training and shall have authority to require supplemental training as a condition
19 of eligibility for licensure.

20 2. The director shall have the authority to limit any exception provided in
21 subsection 1 of this section to persons remaining in the same commission or transferring
22 to a commission in a similar jurisdiction.

23 3. The basic training of every peace officer, except agents of the conservation
24 commission, shall include at least thirty hours of training in the investigation and
25 management of cases involving domestic and family violence. Such training shall include
26 instruction, specific to domestic and family violence cases, regarding: report writing;
27 physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and
28 alleged perpetrators; the nature, extent and causes of domestic and family violence; the
29 safety of victims, other family and household members and investigating officers; legal
30 rights and remedies available to victims, including rights to compensation and the
31 enforcement of civil and criminal remedies; services available to victims and their children;
32 the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said
33 curriculum shall be developed and presented in consultation with the department of health,
34 the division of family services, public and private providers of programs for victims of
35 domestic and family violence, persons who have demonstrated expertise in training and
36 education concerning domestic and family violence, and the Missouri coalition against
37 domestic violence.

 590.050. 1. The POST commission shall establish requirements for the continuing
2 education of all peace officers. Peace officers who make traffic stops shall be required to

3 receive annual training concerning the prohibition against racial profiling and such
4 training shall promote understanding and respect for racial and cultural differences and
5 the use of effective, non-combative methods for carrying out law enforcement duties in a
6 racially and culturally diverse environment.

7 2. The director shall license continuing education providers and may probate,
8 suspend and revoke such licenses upon written notice stating the reasons for such action.
9 Any person aggrieved by a decision of the director pursuant to this subsection may appeal
10 as provided in chapter 536, RSMo.

11 3. The costs of continuing law enforcement education shall be reimbursed in part
12 by moneys from the peace officer standards and training commission fund created in
13 section 590.178, subject to availability of funds, except that no such funds shall be used for
14 the training of any person not actively commissioned or employed by a county or municipal
15 law enforcement agency.

16 4. The director may engage in any activity intended to further the professionalism
17 of peace officers through training and education, including the provision of specialized
18 training through the department of public safety.

590.060. 1. The POST commission shall establish minimum standards for training
2 instructors and training centers, and the director shall establish minimum qualifications
3 for admittance into a basic training course.

4 2. The director shall license training instructors, centers, and curricula, and may
5 probate, suspend and revoke such licenses upon written notice stating the reasons for such
6 action. Any person aggrieved by a decision pursuant to this subsection may appeal as
7 provided in chapter 536, RSMo.

8 3. Each person seeking entrance into a basic training program shall submit a
9 fingerprint card and authorization for a criminal history background check to include the
10 records of the Federal Bureau of Investigation to the training center where such person is
11 seeking entrance. The training center shall cause a criminal history background check to
12 be made and shall cause the resulting report to be forwarded to the director. The person
13 seeking entrance may be charged a fee for the cost of this procedure.

590.070. 1. The chief executive officer of each law enforcement agency shall, within
2 thirty days after commissioning any peace officer, notify the director on a form to be
3 adopted by the director. The director may require the chief executive officer to conduct
4 a current criminal history background check and to forward the resulting report to the
5 director.

6 2. The chief executive officer of each law enforcement agency shall, within thirty
7 days after any licensed peace officer departs from employment or otherwise ceases to be

8 commissioned, notify the director on a form to be adopted by the director. Such notice
9 shall state the circumstances surrounding the departure from employment or loss of
10 commission and shall specify any of the following that apply:

11 (1) The officer failed to meet the minimum qualifications for commission as a peace
12 officer;

13 (2) The officer violated municipal, state or federal law;

14 (3) The officer violated the regulations of the law enforcement agency; or

15 (4) The officer was under investigation for violating municipal, state or federal law,
16 or for gross violations of the law enforcement agency regulations.

17 3. Whenever the chief executive officer of a law enforcement agency has reasonable
18 grounds to believe that any peace officer commissioned by the agency is subject to
19 discipline pursuant to section 590.080, the chief executive officer shall report such
20 knowledge to the director.

590.080. 1. The director shall have cause to discipline any peace officer licensee
2 who:

3 (1) Is unable to perform the functions of a peace officer with reasonable
4 competency or reasonable safety as a result of a mental condition, including alcohol or
5 substance abuse;

6 (2) Has committed any criminal offense, whether or not a criminal charge has been
7 filed;

8 (3) Has committed any act while on active duty or under color of law that involves
9 moral turpitude or a reckless disregard for the safety of the public or any person;

10 (4) Has caused a material fact to be misrepresented for the purpose of obtaining or
11 retaining a peace officer commission or any license issued pursuant to this chapter;

12 (5) Has violated a condition of any order of probation lawfully issued by the
13 director; or

14 (6) Has violated a provision of this chapter or a rule promulgated pursuant to this
15 chapter.

16 2. When the director has knowledge of cause to discipline a peace officer license
17 pursuant to this section, the director may cause a complaint to be filed with the
18 administrative hearing commission, which shall conduct a hearing to determine whether
19 the director has cause for discipline, and which shall issue findings of fact and conclusions
20 of law on the matter. The administrative hearing commission shall not consider the
21 relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise
22 impinge upon the discretion of the director to determine appropriate discipline when cause
23 exists pursuant to this section.

24 **3. Upon a finding by the administrative hearing commission that cause to discipline**
25 **exists, the director shall, within thirty days, hold a hearing to determine the form of**
26 **discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the**
27 **license at issue. If the licensee fails to appear at the director's hearing, this shall constitute**
28 **a waiver of the right to such hearing.**

29 **4. Notice of any hearing pursuant to this chapter or section may be made by**
30 **certified mail to the licensee's address of record pursuant to subdivision (2) of subsection**
31 **3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of**
32 **postal authorities to deliver such certified mail shall be evidence that required notice has**
33 **been given. Notice may be given by publication.**

34 **5. Nothing contained in this section shall prevent a licensee from informally**
35 **disposing of a cause for discipline with the consent of the director by voluntarily**
36 **surrendering a license or by voluntarily submitting to discipline.**

37 **6. The provisions of chapter 621, RSMo, and any amendments thereto, except those**
38 **provisions or amendments that are in conflict with this chapter, shall apply to and govern**
39 **the proceedings of the administrative hearing commission and pursuant to this section the**
40 **rights and duties of the parties involved.**

590.090. 1. The director shall have cause to suspend immediately the peace officer
2 **license of any licensee who:**

3 **(1) Is under indictment for, is charged with, or has been convicted of the**
4 **commission of any felony;**

5 **(2) Is subject to an order of another state, territory, the federal government, or any**
6 **peace officer licensing authority suspending or revoking a peace officer license or**
7 **certification; or**

8 **(3) Presents a clear and present danger to the public health or safety if**
9 **commissioned as a peace officer.**

10 **2. At any time after the filing of a disciplinary complaint pursuant to section**
11 **590.080, if the director determines that probable cause exists to suspend immediately the**
12 **peace officer license of the subject of the complaint, the director may, without notice or**
13 **hearing, issue an emergency order suspending such license until final determination of the**
14 **disciplinary complaint. Such order shall state the probable cause for the suspension and**
15 **shall be served upon the licensee by certified mail at the licensee's address of record**
16 **pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the**
17 **licensee to accept delivery or the inability of postal authorities to deliver such certified mail**
18 **shall be evidence that required notice has been given. The director shall also notify the**
19 **chief executive officer of any law enforcement agency currently commissioning the officer.**

20 The director shall have authority to dissolve an emergency order of suspension at any time
21 for any reason.

22 3. A licensee subject to an emergency order of suspension may petition the
23 administrative hearing commission for review of the director's determination of probable
24 cause, in which case the administrative hearing commission shall within five business days
25 conduct an emergency hearing, render its decision, and issue findings of fact and
26 conclusions of law. Sworn affidavits or depositions shall be admissible on the issue of
27 probable cause and may be held sufficient to establish probable cause. The administrative
28 hearing commission shall have no authority to stay or terminate an emergency order of
29 suspension without a hearing pursuant to this subsection. Findings and conclusions made
30 in determining probable cause for an emergency suspension shall not be binding on any
31 party in any proceeding pursuant to section 590.080.

32 4. Any party aggrieved by a decision of the administrative hearing commission
33 pursuant to this section may appeal to the circuit court of Cole County as provided in
34 section 536.100, RSMo.

590.100. 1. The director shall have cause to deny any application for a peace officer
2 license or entrance into a basic training course when the director has knowledge that would
3 constitute cause to discipline the applicant if the applicant were licensed.

4 2. When the director has knowledge of cause to deny an application pursuant to
5 this section, the director may grant the application subject to probation or may deny the
6 application. The director shall notify the applicant in writing of the reasons for such action
7 and of the right to appeal pursuant to this section.

8 3. Any applicant aggrieved by a decision of the director pursuant to this section
9 may appeal within thirty days to the administrative hearing commission, which shall
10 conduct a hearing to determine whether the director has cause for denial, and which shall
11 issue findings of fact and conclusions of law on the matter. The administrative hearing
12 commission shall not consider the relative severity of the cause for denial or any
13 rehabilitation of the applicant or otherwise impinge upon the discretion of the director to
14 determine whether to grant the application subject to probation or deny the application
15 when cause exists pursuant to this section. Failure to submit a written request for a
16 hearing to the administrative hearing commission within thirty days after a decision of the
17 director pursuant to this section shall constitute a waiver of the right to appeal such
18 decision.

19 4. Upon a finding by the administrative hearing commission that cause for denial
20 exists, the director shall not be bound by any prior action on the matter and shall, within
21 thirty days, hold a hearing to determine whether to grant the application subject to

22 **probation or deny the application. If the licensee fails to appear at the director's hearing,**
23 **this shall constitute a waiver of the right to such hearing.**

24 **5. The provisions of chapter 621, RSMo, and any amendments thereto, except those**
25 **provisions or amendments that are in conflict with this chapter, shall apply to and govern**
26 **the proceedings of the administrative hearing commission pursuant to this section and the**
27 **rights and duties of the parties involved.**

[590.100. As used in sections 590.100 to 590.180, the following terms mean:

2 (1) "Certified training academy", any academy located within the state of
3 Missouri which has been certified by the director to provide training programs for
4 peace officers in this state;

5 (2) "Chief executive officer", the chief of police, director of public safety,
6 sheriff, department head or chief administrator of any law enforcement or public
7 safety agency of the state or any political subdivision thereof who is responsible for
8 the prevention and detection of crime and the enforcement of the general criminal
9 laws of the state or for violation of ordinances of a county or municipality;

10 (3) "Director", the director of the Missouri department of public safety;

11 (4) "Peace officer", members of the state highway patrol, all state, county, and
12 municipal law enforcement officers possessing the duty and power of arrest for
13 violation of any criminal laws of the state or for violation of ordinances of counties
14 or municipalities of the state who serve full time, with pay;

15 (5) "Reserve officer", any person who serves in a less than full-time law
16 enforcement capacity, with or without pay, and who, without certification, has no
17 power of arrest and who, without certification, must be under the direct and
18 immediate accompaniment of a certified peace officer of the same agency at all times
19 while on duty. In a county of the first class adjoining a city not within a county,
20 reserve peace officers may engage in all nonprimary enforcement activities without
21 being under direct or immediate accompaniment of a certified peace officer.]

590.110. 1. The director may investigate any cause for the discipline of any license
2 **or denial of any application pursuant to this chapter. During the course of such**
3 **investigation, the director shall have the power to inspect any training center, require by**
4 **subpoena the attendance and sworn deposition of any witness and the production of any**
5 **documents, records, or evidence that the director deems relevant. Subpoenas shall be**
6 **served by a person authorized to serve subpoenas of courts of record. In lieu of the**
7 **production of any document or record, the director may require that a sworn copy of such**
8 **document or record be delivered to the director.**

9 **2. The director may apply to the circuit court of Cole County or of any county**
10 **where the person resides or may be found for an order upon any person who shall fail to**
11 **obey a subpoena to show cause why such subpoena should not be enforced. A show cause**
12 **order and a copy of the application shall be served upon the person in the same manner**
13 **as a summons in a civil action. If, after a hearing, the circuit court determines that the**

14 **subpoena should be enforced, the court shall proceed to enforce the subpoena in the same**
15 **manner as in a civil case.**

2 [590.110. 1. No person shall be appointed as a peace officer by any public
3 law enforcement agency, which is possessed of the duty and power to enforce the
4 general criminal laws of the state or the ordinances of any political subdivision of this
5 state, unless he has been certified by the director as provided in sections 590.100 to
6 590.180, unless he is appointed on a probationary basis, and the hiring agency, within
7 one year after his initial appointment, takes all necessary steps to qualify him for
8 certification by the director. Unless a peace officer is certified within the one-year
9 period after appointment, his appointment shall be terminated and he shall not be
10 eligible for appointment by any other law enforcement agency as a peace officer.
11 Beginning on August 28, 1995, peace officers shall be required to complete the four
12 hundred fifty hours of training as peace officers and be certified to be eligible for
13 employment.

14 2. The chief executive officer of each law enforcement agency shall notify the
15 director of the appointment of any peace or reserve officer not later than thirty days
16 after the date of the appointment and include with such notification a copy of a
17 fingerprint card verified by the Missouri state highway patrol pertaining to the results
18 of a criminal background check of the officer appointed and evidence of the
19 completion of the standards necessary for employment as provided in sections
20 590.100 to 590.180.

21 3. Training and certification requirements specified in sections 590.100 to
22 590.180 are recommended but not required of a reserve officer; however, any person
23 who serves as a reserve officer in any public law enforcement agency which is
24 possessed of the duty and power to enforce the general criminal laws of this state or
25 the ordinances of any political subdivision of this state may, at the option of the
26 political subdivision in which the reserve officer is appointed, participate in the basic
27 training program required under the provisions of sections 590.100 to 590.180, and,
28 upon completion of such training program, shall be certified by the director in the
same manner as provided for peace officers.]

590.120. 1. There is hereby established within the department of public safety a "Peace
2 Officer Standards and Training Commission" which shall be composed of nine members,
3 including a voting public member, appointed by the governor, by and with the advice and
4 consent of the senate, from a list of qualified candidates submitted to the governor by the director
5 of the department of public safety. No member of the **POST** commission shall reside in the
6 same congressional district as any other at the time of their appointments but this provision shall
7 not apply to the public member. Three members of the **POST** commission shall be police chiefs,
8 three members [of the commission] shall be sheriffs, one member [of the commission] shall
9 represent a state law enforcement agency covered by the provisions of [sections 590.100 to
10 590.180] **this chapter**, and one member shall be a chief executive officer of a certified training
11 academy. The public member shall be at the time of appointment a registered voter; a person

12 who is not and never has been a member of any profession certified or regulated under this
13 chapter or the spouse of such person; and a person who does not have and never has had a
14 material financial interest in either the providing of the professional services regulated by
15 [sections 590.100 to 590.180] **this chapter**, or an activity or organization directly related to any
16 profession certified or regulated under [sections 590.100 to 590.180] **this chapter**. Each
17 member of the **POST** Commission shall have been at the time of his appointment a citizen of
18 the United States and a resident of this state for a period of at least one year, and members who
19 are peace officers shall be qualified as established by [sections 590.100 to 590.180] **this chapter**.
20 No member of the **POST** commission serving a full term of three years may be reappointed to
21 the **POST** commission until at least one year after the expiration of his most recent term.

22 2. Three of the original members of the **POST** commission shall be appointed for terms
23 of one year, three of the original members shall be appointed for terms of two years, and three
24 of the original members shall be appointed for terms of three years. Thereafter the terms of the
25 members of the **POST** commission shall be for three years or until their successors are
26 appointed. The director may remove any member of the **POST** commission for misconduct or
27 neglect of office. Any member of the **POST** commission may be removed for cause by the
28 director but such member shall first be presented with a written statement of the reasons thereof,
29 and shall have a hearing before the **POST** commission if the member so requests. Any vacancy
30 in the membership of the commission shall be filled by appointment for the unexpired term.

31 3. Annually the director shall appoint one of the members as chairperson. The **POST**
32 commission shall meet at least twice each year as determined by the director or a majority of the
33 members to perform its duties. A majority of the members of the **POST** commission shall
34 constitute a quorum.

35 4. No member of the **POST** commission shall receive any compensation for the
36 performance of his official duties.

37 5. The **POST** commission shall [establish the core curriculum and shall also formulate
38 definitions, rules and regulations for the administration of peace officer standards and training
39 and] guide and advise the director concerning duties [as outlined by sections 590.100 to 590.180.
40 No rule or portion of a rule promulgated under the authority of this chapter shall become
41 effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo]
42 **pursuant to this chapter**.

**590.180. 1. No arrest shall be deemed unlawful solely because of the licensure
2 status of a peace officer, and evidence on the question cannot be received in any civil or
3 criminal case.**

**2. The name, licensure status, and commissioning or employing law enforcement
5 agency, if any, of applicants and licensees pursuant to this chapter shall be an open record.**

6 All other records retained by the director pertaining to any applicant or licensee shall be
7 confidential and shall not be disclosed to the public or any member of the public, except
8 with written consent of the person or entity whose records are involved, provided, however,
9 that the director may disclose such information in the course of voluntary interstate
10 exchange of information, during the course of litigation involving the director, to other
11 state agencies, or, upon a final determination of cause to discipline, to law enforcement
12 agencies. No closed record conveyed to the director pursuant to this chapter shall lose its
13 status as a closed record solely because it is retained by the director. Nothing in this
14 section shall be used to compel the director to disclose any record subject to attorney-client
15 privilege or work-product privilege.

16 3. In any investigation, hearing, or other proceeding pursuant to this chapter, any
17 record relating to any applicant or licensee shall be discoverable by the director and shall
18 be admissible into evidence, regardless of any statutory or common law privilege or the
19 status of any record as open or closed, including records in criminal cases whether or not
20 a sentence has been imposed. No person or entity shall withhold records or testimony
21 bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee
22 on the ground of any privilege involving the applicant or licensee, with the exception of
23 attorney-client privilege.

24 4. Any person or entity submitting information to the director pursuant to this
25 chapter and doing so in good faith and without negligence shall be immune from all
26 criminal and civil liability arising from the submission of such information and no cause
27 of action of any nature shall arise against such person.

28 5. No person shall make any unauthorized use of any testing materials or
29 certification examination administered pursuant to subsection 2 of section 590.030.

2 [590.180. 1. Any person who purposely violates any of the provisions of
section 590.110, 590.115 or 590.175 is guilty of a class B misdemeanor.

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

590.190. Any rule or portion of a rule, as that term is defined in section 536.010,
2 RSMo, that is created under the authority delegated in this section shall become effective
3 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
4 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
5 nonseverable and if any of the powers vested with the general assembly pursuant to
6 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule

7 are subsequently held unconstitutional, then the grant of rulemaking authority and any
8 rule proposed or adopted after August 28, 2001, shall be invalid and void.

2 **590.195. 1. A person commits a class B misdemeanor if, in violation of this chapter,
such person knowingly:**

3 **(1) Holds a commission as a peace officer without a peace officer license valid for
4 such commission; or**

5 **(2) Grants or continues the commission of a peace officer not validly licensed for
6 such commission.**

7 **2. Any person who purposely violates any other provision of this chapter shall be
8 guilty of a class B misdemeanor.**

9 **3. Any law enforcement agency that commissions a peace officer in violation of this
10 chapter or that is otherwise in violation of any provision of this chapter shall not be eligible
11 to receive state or federal funds that would otherwise be paid to it for the purpose of
12 training and licensing peace officers or for any other law enforcement, safety, or criminal
13 justice purpose.**

2 **590.650. 1. As used in this section "minority group" means individuals of African,
Hispanic, Native American or Asian descent.**

3 **2. Each time a peace officer stops a driver of a motor vehicle for a violation of any motor
4 vehicle statute or ordinance, that officer shall report the following information to the law
5 enforcement agency that employs the officer:**

6 **(1) The age, gender and race or minority group of the individual stopped;**

7 **(2) The traffic violation or violations alleged to have been committed that led to the stop;**

8 **(3) Whether a search was conducted as a result of the stop;**

9 **(4) If a search was conducted, whether the individual consented to the search, the
10 probable cause for the search, whether the person was searched, whether the person's property
11 was searched, and the duration of the search;**

12 **(5) Whether any contraband was discovered in the course of the search and the type of
13 any contraband discovered;**

14 **(6) Whether any warning or citation was issued as a result of the stop;**

15 **(7) If a warning or citation was issued, the violation charged or warning provided;**

16 **(8) Whether an arrest was made as a result of either the stop or the search;**

17 **(9) If an arrest was made, the crime charged; and**

18 **(10) The location of the stop.**

19 **Such information may be reported using a format determined by the department of public
20 safety which uses existing citation and report forms.**

21 **3. (1) Each law enforcement agency shall compile the data described in subsection 2 of**

22 this section for the calendar year into a report to the attorney general.

23 (2) Each law enforcement agency shall submit the report to the attorney general no later
24 than March first of the following calendar year.

25 (3) The attorney general shall determine the format that all law enforcement agencies
26 shall use to submit the report.

27 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies
28 required by this section and submit a report of the findings to the governor, the general assembly
29 and each law enforcement agency no later than June first of each year.

30 (2) The report of the attorney general shall include at least the following information for
31 each agency:

32 (a) The total number of vehicles stopped by peace officers during the previous calendar
33 year;

34 (b) The number and percentage of stopped motor vehicles that were driven by members
35 of each particular minority group;

36 (c) A comparison of the percentage of stopped motor vehicles driven by each minority
37 group and the percentage of the state's population that each minority group comprises; and

38 (d) A compilation of the information reported by law enforcement agencies pursuant to
39 subsection 2 of this section.

40 5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

41 (1) Prohibits the practice of routinely stopping members of minority groups for
42 violations of vehicle laws as a pretext for investigating other violations of criminal law;

43 (2) Provides for periodic reviews by the law enforcement agency of the annual report of
44 the attorney general required by subsection 4 of this section that:

45 (a) Determine whether any peace officers of the law enforcement agency have a pattern
46 of stopping members of minority groups for violations of vehicle laws in a number
47 disproportionate to the population of minority groups residing or traveling within the jurisdiction
48 of the law enforcement agency; and

49 (b) If the review reveals a pattern, require an investigation to determine whether any
50 peace officers of the law enforcement agency routinely stop members of minority groups for
51 violations of vehicle laws as a pretext for investigating other violations of criminal law; **and**

52 (3) Provides for appropriate counseling and training of any peace officer found to have
53 engaged in race-based traffic stops within ninety days of the review[]; and

54 (4) Provides for annual sensitivity training for any employees who may conduct stops
55 of motor vehicles regarding the prohibition against racial profiling].

56

57 The course or courses of instruction and the guidelines shall stress understanding and respect for

58 racial and cultural differences, and development of effective, noncombative methods of carrying
59 out law enforcement duties in a racially and culturally diverse environment.

60 6. If a law enforcement agency fails to comply with the provisions of this section, the
61 governor may withhold any state funds appropriated to the noncompliant law enforcement
62 agency.

63 7. Each law enforcement agency in this state may utilize federal funds from
64 community-oriented policing services grants or any other federal sources to equip each vehicle
65 used for traffic stops with a video camera and voice-activated microphone.

2 [590.101. In any county of the first classification with a charter form of
3 government with a population of nine hundred thousand or more inhabitants, the
4 definitions contained in section 590.100 shall apply, except that as used in sections
5 590.100 to 590.180, the following terms shall mean:

6 (1) "Bailiff", an assigned officer of the court subject to control and
7 supervision and responsible for preserving order and decorum, taking charge of the
8 jury, guarding prisoners, and other services which are reasonably necessary for the
9 proper functioning of the court;

10 (2) "Nonprimary enforcement activities", activities which include, but are not
11 limited to, traffic control, crowd control, checking abandoned, vacated and
12 temporarily vacated structures, conveyance of motor vehicles, public appearances,
13 and public educational presentations;

14 (3) "Primary enforcement activities", activities used to enforce the police
15 powers of the state, including, but not limited to, a direct or indirect involvement in
16 the activities of arrest, detention, vehicular pursuit, search, interrogations or the
17 administration of first aid; and

18 (4) "Reserve officer", any person who serves in a less than full-time law
19 enforcement capacity, with or without pay, and who, without certification, has no
20 power of arrest and who, without certification, must be under direct and immediate
21 accompaniment of a certified peace officer of the same agency in order to engage in
primary enforcement activities.]

2 [590.105. 1. A program of mandatory standards for the basic training and
3 certification of peace officers and a program of optional standards for the basic
4 training and certification of reserve officers in this state is hereby established. The
5 peace officer standards and training commission shall establish the minimum number
6 of hours of training and core curriculum. In no event, however, shall the commission
7 require more than one thousand hours of such training for either peace or reserve
8 officers employed by any state law enforcement agency, or more than six hundred
9 hours of such training for other peace or reserve officers; provided, however, that the
10 minimum hours of training shall be no lower than the following:

- 11 (1) One hundred twenty hours as of August 28, 1993;
12 (2) Three hundred hours as of August 28, 1994; and
13 (3) Four hundred seventy hours as of August 28, 1996.

14 The higher standards provided in this section for certification after August 28, 1993,
15 shall not apply to any peace or reserve officer certified prior to August 28, 1993, or
16 to deputies of any sheriff's department in any city not within a county requiring no
17 more or less than one hundred twenty hours of training. Certified peace and reserve
18 officers between January 1, 1992, and August 28, 1995, shall only meet the hours of
19 training applicable to the year in which the officer was employed or appointed.

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

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

31 4. All political subdivisions within this state may adopt standards which are
32 higher than the minimum standards implemented pursuant to sections 590.100 to
33 590.180, and such minimum standards shall in no way be deemed adequate in those
34 cases in which higher standards have been adopted.

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

46 6. Notwithstanding any provision of this chapter to the contrary, any peace
47 officer who is employed by a law enforcement agency located within a county of the
48 third classification shall be required to have no more or less than one hundred twenty
49 hours of training for certification if the respective city or county adopts an order or
50 ordinance to that effect.

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

55 8. The course of instruction and the objectives in learning and performance
56 for the education of law enforcement officers required pursuant to subsection 6 of

57 this section shall be developed and presented in consultation with public and private
58 providers of programs for victims of domestic and family violence, persons who have
59 demonstrated expertise in training and education concerning domestic and family
60 violence, and the Missouri coalition against domestic violence. The peace officers
61 standards and training commission shall consider the expertise and grant money of
62 the national council of juvenile and family court judges, with their domestic and
63 family violence project, as well as other federal funds and grant moneys available for
64 training.

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

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

68 (a) Physical abuse;

69 (b) Sexual abuse;

70 (c) Child fatalities;

71 (d) Child neglect;

72 (e) Interviewing children and alleged perpetrators;

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

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

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

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

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

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

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

2 [590.112. 1. This section applies to any employees of the sheriff's
3 department of any county of the first classification with a population of two hundred
4 thousand or more inhabitants, who have been certified in a program of training,
5 including but not limited to a training and certification program established pursuant
6 to this chapter.

7 2. If any person subject to subsection 1 of this section is transferred to a
8 department of public safety or similar agency as a result of the passage of a charter
9 form of government in the county, then notwithstanding the provisions of this
10 chapter, or any local ordinance or order to the contrary, such person's training
11 certification shall remain in effect and shall not lapse, and the training and
12 certification required for the person to be employed by the sheriff's department shall
be deemed adequate to be appointed to the department of public safety or similar

13 agency. If such person is thereafter reassigned to the sheriff's department, such
14 person shall be deemed certified for appointment to such position, notwithstanding
15 the provisions of section 590.110, to the contrary; and the chief executive officer as
16 defined in section 590.100 shall not be required to furnish to the director of the
17 department of public safety evidence that such person has satisfactorily completed
18 instruction in a course of training for peace officers.]

[590.115. 1. Training and certification requirements specified in sections
2 590.100 to 590.180 are recommended but not required of a peace officer who has
3 been consistently employed as a full-time peace officer and was appointed before
4 December 31, 1978, whether or not such officer changes his place of employment.

5 2. Training and certification requirements specified in sections 590.100 to
6 590.180 are recommended but not required of a reserve officer who was appointed
7 as a reserve officer prior to August 15, 1988. Requirements for certification of such
8 reserve officers may be determined by the commission. A certified reserve officer
9 may transfer from one similar jurisdiction to another as a certified reserve officer
10 without any additional training requirements unless or until the certified reserve
11 officer becomes or attempts to become a full-time peace officer, at which time the
12 individual must satisfy the requirements of this chapter to become a certified
13 full-time police officer, or unless or until the certified reserve officer attempts to
14 become a certified reserve officer in a jurisdiction wherein the basic training
15 requirement is higher than the previous jurisdiction's basic training requirement, at
16 which time the individual must satisfy the higher basic training requirements of the
17 new jurisdiction to become a certified reserve officer.

18 3. Except as provided in subsections 1, 2 and 4 of this section, in the event
19 that a peace officer claims to have had prior basic training, the chief executive officer
20 shall furnish to the director evidence that the noncertified officer has satisfactorily
21 completed instruction in a course of basic training for peace officers conducted by
22 a law enforcement training academy or institute which is approved by the director as
23 providing basic training equivalent to standards set for jurisdictions within this state.
24 The basic training course satisfactorily completed by the noncertified officer shall
25 meet the minimum basic training requirements of the jurisdiction in which he is
26 appointed or is to be appointed as required under the provisions of sections 590.100
27 to 590.180.

28 4. The director may certify a chief executive officer as qualified under
29 sections 590.100 to 590.180, if the person's employer furnishes the director with
30 evidence that the chief executive officer has training or experience equivalent to the
31 standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI
32 National Academy or its equivalent as determined by the director, or holds a bachelor
33 of science degree in criminal justice or a related field received from an accredited
34 college or university or a doctor of jurisprudence degree received from a college or
35 university approved by the American Bar Association.

36 5. Peace officers and reserve officers meeting the basic training requirements
37 under sections 590.100 to 590.180 shall be eligible to be certified by the director.

38 6. Beginning August 28, 1996, the peace officer standards and training
39 commission shall establish a program of continuing law enforcement education and
40 training. Each peace officer or reserve officer subject to the training provisions of
41 sections 590.100 to 590.180 shall participate in continuing law enforcement
42 education to maintain certification. The providers of continuing law enforcement
43 education and training, as well as the contents and subject matter thereof, shall be
44 subject to the approval of the peace officer standards and training commission. The
45 costs of the continuing law enforcement education and training offered by certified
46 providers to persons entitled to receive such education and training shall be
47 reimbursed by moneys from the peace officer standards and training commission
48 fund created in section 590.178. The peace officer standards and training
49 commission shall require by rule that all peace officers or reserve officers, subject to
50 the training provisions herein, contribute, based on standards set by the commission,
51 to the cost of said training.

52 7. The peace officer standards and training commission may provide by rule
53 for the reciprocal recognition of equivalent entry level core basic training at a training
54 center by law enforcement officers of the federal government or other states or
55 territories of the United States, and may require such additional training prior to
56 certification as the commission deems necessary.]

 [590.117. The department shall provide by administrative rule for the
2 requirements for continuing certification of an inactive or unemployed peace officer
3 during the term of such inactivity or unemployment, provided that the certification
4 of such peace officers shall expire after five consecutive years of such inactivity or
5 unemployment. The cost of any continuing law enforcement education and training
6 required to maintain such certification shall be paid by the inactive or unemployed
7 peace officer.]

 [590.121. The director shall certify such academies, core curriculum and
2 instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The
3 certification shall be made by the director on the basis of the experience and
4 educational background of the instructors, the quality and aptness of curriculum, the
5 educational equipment and materials used in the training and the methods and
6 measurements used in such training. The director shall adopt and publish rules
7 pertaining to the establishment of minimum standards for certification pursuant to
8 sections 590.100 to 590.180.]

 [590.123. 1. The peace officer standards and training commission may
2 promulgate rules and regulations to effectuate the purposes of this chapter. No rule
3 or portion of a rule promulgated under the authority of this section shall become
4 effective until it has been approved by the joint committee on administrative rules in
5 accordance with the procedures provided in this section, and the delegation of the
6 legislative authority to enact law by the adoption of such rules is dependent upon the
7 power of the joint committee on administrative rules to review and suspend rules
8 pending ratification by the senate and the house of representatives as provided in this
9 section.

10 2. Upon filing any proposed rule with the secretary of state, the commission
11 shall concurrently submit such proposed rule to the committee which may hold
12 hearings upon any proposed rule or portion thereof at any time.

13 3. A final order of rulemaking shall not be filed with the secretary of state
14 until thirty days after such final order of rulemaking has been received by the
15 committee. The committee may hold one or more hearings upon such final order of
16 rulemaking during the thirty-day period. If the committee does not disapprove such
17 order of rulemaking within the thirty- day period, the commission may file such order
18 of rulemaking with the secretary of state and the order of rulemaking shall be deemed
19 approved.

20 4. The committee may, by majority vote of the members, suspend the order
21 of rulemaking or portion thereof by action taken prior to the filing of the final order
22 of rulemaking only for one or more of the following grounds:

23 (1) An absence of statutory authority for the proposed rule;

24 (2) An emergency relating to public health, safety or welfare;

25 (3) The proposed rule is in conflict with state law;

26 (4) A substantial change in circumstance since enactment of the law upon
27 which the proposed rule is based;

28 (5) That the rule is arbitrary and capricious.

29 5. If the committee disapproves any rule or portion thereof, the commission
30 shall not file such disapproved portion of any rule with the secretary of state and the
31 secretary of state shall not publish in the Missouri Register any final order of
32 rulemaking containing the disapproved portion.

33 6. If the committee disapproves any rule or portion thereof, the committee
34 shall report its findings to the senate and the house of representatives. No rule or
35 portion thereof disapproved by the committee shall take effect so long as the senate
36 and the house of representatives ratify the act of the joint committee by resolution
37 adopted in each house within thirty legislative days after such rule or portion thereof
38 has been disapproved by the joint committee.

39 7. Upon adoption of a rule as provided in this section, any such rule or
40 portion thereof may be suspended or revoked by the general assembly either by bill
41 or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent
42 resolution upon recommendation of the joint committee on administrative rules. The
43 committee shall be authorized to hold hearings and make recommendations pursuant
44 to the provisions of section 536.037, RSMo. The secretary of state shall publish in
45 the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

[590.125. The director may:

2 (1) Publish and distribute to all Missouri law enforcement agencies bulletins,
3 pamphlets, and educational materials relating to training of peace officers;

4 (2) Provide seminars, in-service training and supervisory training to ensure
5 that officers of all ranks, both appointed and elected, may be offered training in
6 current enforcement and related subjects on a voluntary enrollment basis;

7 (3) Consult with and cooperate with any law enforcement agency or division

8 of the state government or the federal government for the development of training
9 programs for the fulfillment of specific needs in law enforcement;

10 (4) Issue or authorize the issuance of, suspend or revoke diplomas,
11 certificates or other appropriate indicia of compliance and qualification to peace
12 officers who complete specialized training courses offered by the department of
13 public safety;

14 (5) Encourage the further professionalization of peace officers through
15 training and education.]

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

[590.131. The chief executive officer of each law enforcement agency shall
2 notify the director of a peace officer's separation from the agency, whether voluntary
3 or involuntary, and shall set forth in detail the facts and reasons for the separation on
4 a form to be provided by the director.]

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

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

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

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

11 2. The director may refuse to issue, or may suspend or revoke any diploma,
12 certificate or other indicia of compliance and qualification to peace officers or bailiffs
13 issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer
14 for the following:

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

17 (2) Conviction of a misdemeanor involving moral turpitude;

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

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

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

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

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

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

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

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

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

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

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

[590.170. 1. The director shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a

2 general election or in a special election in any county of this state shall, within
3 eighteen months of such election, cause to be filed with the presiding circuit judge
4 of the county and director of the department of public safety proof that he has
5 completed the training program formulated pursuant to sections 590.170 and 590.175
6 or some other comparable training program of not less than one hundred twenty
7 hours instruction approved by the director of the department of public safety.

8 2. Whether any person elected to his first term as sheriff attends such a
9 training program prior to or after assuming the duties of his office shall be left to the
10 discretion of the governing body of the county from which he was elected. During
11 the time that a sheriff-elect is enrolled in such a training program, he shall be hired
12 as a county employee and receive as full compensation from the county from which
13 he was elected, compensation at a rate equal to that of the sheriff of the county.
14 Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in
15 such a training program shall be paid by the state.]

Section B. Because immediate action is necessary to guarantee adequate law
2 enforcement protection for certain citizens of this state, the enactment of sections 67.1860,
3 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872, 67.1874, 67.1876, 67.1878, 67.1880,
4 67.1882, 67.1884, 67.1886, 67.1888, 67.1890, 67.1892, 67.1894, 67.1896 and 67.1898, of this
5 act are deemed necessary for the immediate preservation of the public health, welfare, peace and
6 safety, and are hereby declared to be an emergency act within the meaning of the constitution,
7 and the enactment of sections 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872,
8 67.1874, 67.1876, 67.1878, 67.1880, 67.1882, 67.1884, 67.1886, 67.1888, 67.1890, 67.1892,
9 67.1894, 67.1896 and 67.1898, of this act shall be in full force and effect upon their passage and
10 approval.

Section C. Because immediate action is necessary to protect municipalities, the repeal
2 and reenactment of section 94.577 of section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and the repeal and reenactment of section
5 94.577 of section A of this act shall be in full force and effect upon its passage and approval.