

SECOND REGULAR SESSION

# HOUSE BILL NO. 1593

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GRATZ, HAMPTON, TOWNLEY, MOORE, BARNITZ, WARD,  
THOMPSON (Co-sponsors), NORDWALD, HAYWOOD, SEIGFREID, BURCHAM AND RELFORD.

Read 1<sup>st</sup> time January 23, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3710L.011

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### AN ACT

To repeal sections 57.010, 590.010, and 590.120, RSMo, and to enact in lieu thereof four new sections relating to law enforcement and corrections officers qualifications and training.

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

Section A. Sections 57.010, 590.010, and 590.120, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 57.010, 590.010, 590.120, and 590.160, to read as follows:

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

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

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

16 sheriffs. This subsection shall not apply:

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

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

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

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

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

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

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 hours  
11 per week.

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] **eleven**  
3 members, including a voting public member, appointed by the governor, by and with the advice  
4 and consent of the senate, from a list of qualified candidates submitted to the governor by the  
5 director of the department of public safety. No member of the POST commission shall reside  
6 in the same congressional district as any other at the time of their appointments but this provision  
7 shall not apply to the public member. Three members of the POST commission shall be police  
8 chiefs, three members shall be sheriffs, one member shall represent a state law enforcement  
9 agency covered by the provisions of this chapter, [and] one member shall be a chief executive  
10 officer of a certified training academy, **one member shall be from the administration of the**  
11 **department of corrections, and one member shall be from a statewide association of**  
12 **corrections officers having membership in excess of five hundred corrections officers.** The  
13 public member shall be at the time of appointment a registered voter; a person who is not and  
14 never has been a member of any profession certified or regulated under this chapter or the spouse  
15 of such person; and a person who does not have and never has had a material financial interest  
16 in either the providing of the professional services regulated by this chapter, or an activity or  
17 organization directly related to any profession certified or regulated under this chapter. Each  
18 member of the POST commission shall have been at the time of his appointment a citizen of the  
19 United States and a resident of this state for a period of at least one year, and members who are

20 peace officers shall be qualified as established by this chapter. No member of the POST  
21 commission serving a full term of three years may be reappointed to the POST commission until  
22 at least one year after the expiration of his most recent term.

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

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

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

38         5. The POST commission shall guide and advise the director concerning duties pursuant  
39 to this chapter.

**590.160. 1. There is hereby established a "Corrections Officers Certification  
2 Program" as designed and established by the authority vested in the POST commission  
3 pursuant to section 590.120.**

4         **2. After July 1, 2003, corrections officers shall be designated POST certified**  
5 **corrections officers (CCO) upon successful completion of a course of instruction**  
6 **established by the POST commission.**

7         **3. Corrections officers shall be certified corrections officers to be eligible for**  
8 **promotion and increased pay benefits after July 1, 2003.**

9         **4. Corrections officers employed by the department of corrections on or before July**  
10 **1, 2003, shall be certified corrections officers as determined by the POST commission.**