

FIRST REGULAR SESSION

HOUSE BILL NO. 757

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RUPP (Sponsor), KELLY, JOLLY, NIEVES,
BROWN (30) AND ROORDA (Co-sponsors).

Read 1st time March 9, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2012L.011

AN ACT

To amend chapters 590 and 488, RSMo, by adding thereto fifteen new sections relating to law enforcement safety fund.

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

Section A. Chapters 590 and 488, RSMo, are amended by adding thereto fifteen new sections, to be known as sections 590.800, 590.803, 590.806, 590.809, 590.812, 590.815, 590.818, 590.821, 590.824, 590.827, 590.830, 590.833, 590.836, 590.839, and 488.028, to read as follows:

590.800. As used in sections 590.800 to 590.839, unless the context clearly indicates that a different meaning is intended, the following terms shall mean:

(1) "Board of directors" or "board", the board of directors established in sections 590.800 to 590.839;

(2) "Creditable membership service", service as a police chief or a police officer of an eligible municipality or as a deputy sheriff after becoming a member that is creditable in determining the amount of the member's benefits under this system;

(3) "Employee", any full-time police chief or police officer of a municipal police department in this state, including the Kansas City police department, the St. Louis police department, and the St. Louis County police department, and any full-time deputy sheriff in this state;

(4) "Member and eligible members", any active police chief, police officer, or deputy sheriff of the system; any former police chief, police officer, or deputy sheriff

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 receiving benefits from the system; any former police chief, police officer, or deputy sheriff
15 that is vested in the system but is not receiving benefits; any police chief, police officer, or
16 deputy sheriff on disability leave; and for the purposes of section 590.812, any police chief
17 or police officer who is employed full time by an eligible municipality or any deputy sheriff
18 who is employed full time by a county;

19 (5) "Municipality or eligible municipality", each municipal police department in
20 this state, including the Kansas City police department, the St. Louis police department,
21 and the St. Louis County police department;

22 (6) "Prior service", the total years of full-time licensed and commissioned law
23 enforcement service;

24 (7) "Stipend", annual payments made in equal monthly installments to a member
25 from funds provided for, in, or authorized by sections 590.800 to 590.839;

26 (8) "Stipend system" or "system", the law enforcement safety fund system
27 authorized by sections 590.800 to 590.839.

590.803. There is hereby established a "Law Enforcement Safety Fund" which
2 shall be under the management of a board of directors described in section 590.809. The
3 board of directors shall be responsible for the administration and the investment of the
4 funds of such fund. Neither the general assembly nor the governing body of a county shall
5 appropriate funds for deposit in the fund. If insufficient funds are generated to provide
6 the benefits payable under the provisions of sections 590.800 to 590.839, the board shall
7 proportion the benefits according to the funds available.

590.806. 1. Beginning August 28, 2004, the following surcharge for police chiefs,
2 police officers, and deputy sheriffs shall be collected and paid as follows:

3 (1) There shall be assessed and collected a surcharge of seven dollars in all criminal
4 cases filed in the courts of this state including violation of any county or municipal
5 ordinance, or any violation of criminal or traffic laws of this state, including infractions,
6 but no such surcharge shall be assessed when the costs are waived or are to be paid by the
7 state, county, or municipality or when a criminal proceeding or the defendant has been
8 dismissed by the court. For purposes of this section, the term "county ordinance" shall
9 include any ordinance of the city of St. Louis;

10 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
11 disburse such amounts as provided by sections 488.010 to 488.026, RSMo. Such funds shall
12 be payable to the law enforcement safety fund created under section 590.803, and shall be
13 used only for the purposes provided for in sections 590.800 to 590.839 and for no other
14 purpose.

15 2. The board may accept gifts, donations, grants, and bequests from public or

16 private sources to the law enforcement safety fund.

2 **590.809. 1.** The general administration and the responsibility for the proper
3 operation of the fund and the investment of the fund are vested in a board of directors of
4 seven persons. Three directors shall be either elected or appointed chiefs of police who are
5 members of the Missouri police chiefs' association, three of the directors shall be appointed
6 full-time municipal police officers who are members of a state fraternal order of police, and
7 one of the directors shall be a member of the general assembly. The three police chief
8 directors shall be elected by a secret ballot vote of the police chiefs of the municipalities.
9 The three police officer or deputy sheriff directors shall be elected by a secret ballot vote
10 of police officers under the rank of chief and deputy sheriffs. The director from the
11 general assembly shall be appointed by the governor. Directors shall be chosen for terms
12 of four years from the first day of January; except that the members of the first board shall
13 be appointed by the governor by and with the consent of the senate. It shall be the
14 responsibility of the initial board to establish procedures for the conduct of future elections
15 of trustees and such procedures must be approved by a majority vote by secret ballot of
16 the police chiefs, officers, and deputy sheriffs. The board shall have all powers and duties
17 that are necessary and proper to enable it, its officers, employees, and agents to fully and
18 effectively carry out all the purposes of sections 590.800 to 590.839.

19 **2.** The board of directors shall elect one of their members as chair and one of their
20 members as vice chair and may employ an administrator who shall serve as secretary to
21 the board. The board shall hold regular meetings at least once each quarter. Other
22 meetings may be called as necessary by the chair. Notice of such meetings shall be given
23 in accordance with chapter 610, RSMo.

24 **3.** The board of directors shall retain an actuary as technical advisor to the board
25 of directors and an investment counsel to be an investment advisor to the board, and the
26 board of directors shall arrange for annual audits by a certified public accountant.

27 **4.** The board of directors shall serve without compensation for their services as
28 such; except that each director shall be paid for any necessary expenses incurred in the
29 performance of duties authorized by the board.

30 **5.** The board of directors shall be allowed administrative costs for the operation of
31 the system.

32 **6.** The board shall keep a record of its proceedings which shall be open to public
33 inspection and shall annually prepare a report showing the financial condition of the
34 system. The report shall contain, but not be limited to, an auditor's opinion, financial
35 statements prepared in accordance with generally accepted accounting principles, an
actuary's certification along with actuarial assumptions, and financial solvency tests.

36 **7. Notwithstanding any other provisions of law, after the expiration of the terms**
37 **of the board of trustees or directors holding office on January 1, 2005, the directors elected**
38 **as successors to those directors holding office on January 1, 2005, shall be elected to**
39 **staggered terms of four years each in the following manner: two directors shall be elected**
40 **for a two-year term with their successors being elected to four-year terms and three**
41 **directors shall be elected for a four-year term. The procedures for such elections and the**
42 **designation of which terms will initially be two-year terms and which will be four-year**
43 **terms shall be established solely by the board of directors of the law enforcement safety**
44 **fund system. Three directors shall be elected by a secret ballot vote of the active and**
45 **eligible police chiefs and two directors shall be elected by a secret vote of the active and**
46 **eligible police officers with a rank less than chief. Beginning with the election of directors**
47 **under the provisions of this subsection, at least one but not more than two of the directors**
48 **may be a member of the law enforcement safety fund system; except that any vacancies**
49 **occurring on the board after all members have been duly elected shall be filled by the**
50 **board and such appointed members shall serve until the next regularly scheduled election**
51 **for such filled position.**

52 **8. Notwithstanding any provision of law, any board member who was elected to the**
53 **board as an active member representative and becomes a retired member of the system**
54 **after such election shall, with the approval of the board, continue to serve on the board as**
55 **an active member representative until the next regularly scheduled election for that**
56 **position.**

590.812. On and after the effective date of the establishment of the system, as an
2 **incident to his or her employment or continued employment, each person employed full**
3 **time as an elected marshal or chief of police, appointed chief of police, or police officer of**
4 **a municipality, or deputy sheriff of a county, shall become a member of the system upon**
5 **their enrollment as a member of the system and their first monthly contribution payment**
6 **of twenty dollars. Such membership shall continue as long as the person continues to be**
7 **an employee in a municipal police department or in a sheriff's office, continues to make**
8 **their monthly contribution, or is eligible to receive stipends under the provisions of sections**
9 **590.800 to 590.839.**

590.815. Any member who has ten years or more of creditable membership service
2 **and a minimum of ten years of prior service as police chief or police officer of an eligible**
3 **municipality or as a deputy sheriff of a county may receive a normal stipend or who has**
4 **five years or more of creditable membership service and a minimum of fifteen years of**
5 **prior service as police chief or police officer of an eligible municipality or as a deputy**
6 **sheriff may receive a normal stipend. If a member seeks to receive a stipend prior to the**

7 minimum five years of creditable membership service that has fifteen years of creditable
8 service and is at least fifty-five years of age, but continues to make their contribution
9 payments, that member shall be eligible for a normal stipend. If a member which is
10 receiving benefits passes away then the payments shall continue for the remainder of the
11 five-year benefit period to the member's beneficiary.

590.818. The normal stipend of an activated member shall be five hundred dollars
2 per month for a benefit period of five years. The anticipated sum of all such payments
3 during the year, plus the annual normal cost plus the annual amount to amortize the
4 unfunded actuarial accrued liability in no more than thirty years, shall not exceed the
5 anticipated moneys credited to the system pursuant to section 590.806. The money amount
6 granted shall be continued to any survivor determined and officially documented by each
7 member upon enrollment and may be revised by official notification. In no case shall any
8 member receive benefits of this program prior to the age of fifty-five.

590.821. For the purpose of calculating benefits of a member, creditable
2 membership service years of service as a member of the program and twelfths of a year are
3 to be used.

590.824. Any eligible police chief, officer, or deputy sheriff who becomes a member
2 of the system on the effective date of the establishment of the system shall be given credit
3 for eligible prior service up to fifteen years. All such prior service must be established to
4 the satisfaction of the board.

590.827. Any member may receive at any time after the end of the month during
2 which the member becomes eligible under the provisions of section 590.815 and upon the
3 member's submission of a written application to the board setting forth at what time, not
4 less than thirty days nor more than ninety days subsequent to the execution and filing of
5 the application, the member desires to receive a stipend. The payment of the stipend,
6 subject to the provisions of section 590.839, shall begin as of the first day of the calendar
7 month coincident with or next following the date specified by the member and shall
8 conclude upon the passage of five complete years.

590.830. A death benefit of ten thousand dollars shall be paid to the designated
2 beneficiary of every active member upon his or her death or to his or her estate if there is
3 no designated beneficiary, if the member is killed in the performance of his or her duty,
4 provided adequate funding is available.

590.833. 1. A former member who has forfeited creditable service may have the
2 creditable service restored by again becoming an employee and completing creditable
3 membership service as set forth in section 590.812.

4 2. Absences for sickness or injury of less than twelve months shall be counted as

5 membership service.

2 **590.836.** The benefits provided for by sections 590.800 to 590.839 shall in no way
2 affect any person's eligibility for benefits under any other operating system.

2 **590.839.** Stipend payments to retired employees under the provisions of sections
2 590.800 to 590.839 shall be available beginning January first next succeeding the expiration
3 of five calendar years from the effective date of the establishment of the system to eligible
4 employees.

2 **488.028.** As provided by section 590.806, RSMo, there shall be assessed and
2 collected a surcharge of seven dollars in all municipal criminal cases filed in the courts of
3 this state, including violations of any county ordinance or any violation of criminal or
4 traffic laws of this state, including infractions, but no such surcharge shall be assessed
5 when the costs are waived or are to be paid by the state, county, or municipality or when
6 a criminal proceeding or the defendant has been dismissed by the court or against any
7 person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385,
8 RSMo. For purposes of this section, the term "county ordinance" shall include any
9 ordinance of the city of St. Louis. The clerk responsible for collecting court costs in
10 criminal cases shall collect and disburse such amounts as provided by sections 488.010 to
11 488.020. Such funds shall be payable to the law enforcement safety fund created under
12 section 590.803, RSMo.