

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 405

94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety February 21, 2007 with recommendation that House Committee Substitute for House Bill No. 405 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 27, 2007 with recommendation that House Committee Substitute for House Bill No. 405 Do Pass by Consent.

Perfectured by Consent March 7, 2007.

D. ADAM CRUMBLISS, Chief Clerk

1471L.03P

AN ACT

To repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, and 43.140, RSMo, and to enact in lieu thereof six new sections relating to the highway patrol, with an emergency clause.

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

Section A. Sections 43.010, 43.030, 43.090, 43.110, 43.120, and 43.140, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 43.010, 43.030,
3 43.090, 43.110, 43.120, and 43.140, to read as follows:

43.010. As used in this chapter, the following terms shall have the meanings indicated:

2 (1) ["Commission", the Missouri state highways and transportation commission;
3 (2)] "Members of the patrol", the superintendent, lieutenant colonel, majors, captains,
4 director of radio, lieutenants, sergeants, corporals, and [patrolmen] **troopers** of the Missouri state
5 highway patrol;

6 [(3)] (2) "MULES", Missouri uniform law enforcement system, a
7 statewide-computerized communications system provided by the patrol designed to provide
8 services, information, and capabilities to the law enforcement and criminal justice community
9 in the state of Missouri;

10 [(4)] (3) "Patrol", the Missouri state highway patrol;

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.

11 ~~[(5)]~~ (4) "Peace officers", sheriffs, police officers and other peace officers of this state;
12 ~~[(6)]~~ (5) "Radio personnel", those employees of the patrol engaged in the construction,
13 operation, and maintenance of the patrol radio system.

 43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed
2 by the governor by and with the advice and consent of the senate. The superintendent shall hold
3 office at the pleasure of the governor. The superintendent shall be a citizen of the United States
4 and a resident taxpaying citizen of this state for a period of three years previous to being
5 appointed as superintendent and shall be at least thirty years of age. The superintendent shall
6 maintain an office ~~[and reside]~~ in Jefferson City.

7 2. The superintendent of the Missouri state highway patrol shall:

8 (1) Have command of the patrol and perform all duties imposed on the superintendent
9 and exercise all of the powers and authority conferred upon the superintendent by the provisions
10 of this chapter and the requirements of chapter 650, RSMo;

11 (2) Within available appropriations, establish an equitable pay plan for the members of
12 the highway patrol and radio personnel taking into consideration ranks and length of service.

 43.090. ~~[The board of public buildings shall provide suitable offices for general~~
2 ~~headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the~~
3 ~~superintendent, or some member of the patrol designated by him.]~~ The superintendent~~[], with the~~
4 ~~consent and approval of the commission,]~~ shall employ such clerical force, radio operators, and
5 other subordinates, and shall provide such office equipment, stationery, postage supplies,
6 ~~[telegraph] communication~~ and telephone facilities as he **or she** shall deem necessary **for**
7 **general headquarters at Jefferson City, Missouri**, and shall also provide offices, equipment,
8 stationery, postage, clerical force, and other subordinates for the headquarters of each ~~[district]~~
9 **troop or division** of the patrol. The state highway patrol ~~[radio network] communications~~
10 **division** shall be under the control of and at the service of the superintendent for such regular
11 and emergency ~~[bulletins] communications~~ and service as the superintendent may require ~~[from~~
12 ~~time to time]~~.

 43.110. The necessary expenses of the members of the patrol in the performance of their
2 duties shall be paid by the state when such members are away from their places of residence or
3 from the ~~[district] troop or division~~ to which they are assigned, subject to the approval of the
4 ~~[commission] superintendent~~. No fee shall be allowed to any person or officer for the arrest
5 and transportation of persons arrested and transported by members of the patrol, and no witness
6 fees shall be granted or allowed members of the patrol in criminal cases. Witness fees for
7 members of the patrol in civil cases, and for testifying in federal court, shall be the same as
8 provided by law, and shall be claimed and collected by members of the patrol, and promptly

9 transmitted to the [division of collection in the department of revenue] **fund from which the**
10 **member or employee is funded.**

43.120. 1. The superintendent shall prescribe rules for instruction and discipline and
2 make all administrative rules and regulations and fix the hours of duty for the members of the
3 patrol. The superintendent shall divide the state into [districts] **troops** and assign members of
4 the patrol to such [districts] **troops** in the manner as deemed proper to carry out the purposes of
5 this chapter. The superintendent may call members of the patrol from one [district] **troop** to
6 another.

7 2. The superintendent shall appoint the lieutenant colonel and five majors from within
8 the membership. Such individuals shall serve at the superintendent's pleasure and shall return
9 to their previously held rank after being relieved of their position duties by the present or
10 incoming superintendent. The superintendent shall classify and rank through promotions the
11 majors, the director of radio, captains, lieutenants, sergeants, corporals, [patrolmen] **troopers**,
12 and radio personnel from the next lower grade after not less than one year of service satisfactorily
13 performed therein.

14 3. In case of the absence of the superintendent, or at the time the superintendent
15 designates, the lieutenant colonel shall assume the duties of the superintendent. In the absence
16 of both the superintendent and the lieutenant colonel, a major shall be designated by the
17 superintendent or by the lieutenant colonel. In case of the disability of the superintendent and
18 the lieutenant colonel, the governor may designate a major as acting superintendent and when
19 so designated, the acting superintendent shall have all the powers and duties of the
20 superintendent.

21 4. The superintendent shall collect, compile and keep available for the use of peace
22 officers of the state the information as is deemed necessary for the detection of crime and
23 identification of criminals. **The superintendent shall have the authority to direct members**
24 **and other employees of the patrol to carry out any public safety duty or service authorized**
25 **or appropriated by the general assembly.**

26 5. The superintendent is responsible for establishing policy, procedures, and regulations
27 in cooperation with the law enforcement and criminal justice community in protecting the
28 integrity of the MULES system. The superintendent shall be responsible for the administration
29 and enforcement of all MULES policies and regulations consistent with state and federal rules,
30 policy, and law by which the MULES system operates.

31 [6. Within ninety days after the close of each fiscal year, the superintendent shall make
32 to the governor and the commission a report of the activities of the patrol and the cost thereof
33 for the fiscal period.]

43.140. [1.] The members of the patrol, before entering upon the discharge of their
2 duties, shall each take and subscribe an oath to support the constitution and laws of the United
3 States and the state of Missouri and to faithfully demean themselves in office in the form
4 prescribed by section 11, article VII, of the constitution of this state and they shall each faithfully
5 perform the duties of their respective offices and safely keep and account for all moneys and
6 property received by them.

7 [2. The superintendent, major, director of radio, each member assigned to duty in the
8 department of finance and statistics and each member assigned to duty in the department of
9 supplies and equipment shall give bond to be approved by the commission. The bond of the
10 superintendent shall be twenty thousand dollars, and for each other member required to be
11 bonded, ten thousand dollars. The cost of furnishing all such bonds shall be paid by the state.]

Section B. Because immediate action is necessary to clarify the authority of the
2 superintendent of the Missouri state highway patrol, section A of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and section A of this act
5 shall be in full force and effect upon its passage and approval.

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