

FIRST REGULAR SESSION

# HOUSE BILL NO. 820

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FISCHER (107) (Sponsor), ROORDA, FALLERT, LeVOTA,  
CORCORAN, KOMO AND CASEY (Co-sponsors).

0287L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapters 488 and 590, RSMo, by adding thereto twelve new sections relating to the law enforcement safety fund, with penalty provisions.

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

Section A. Chapters 488 and 590, RSMo, are amended by adding thereto twelve new sections, to be known as sections 488.028, 590.850, 590.853, 590.856, 590.859, 590.862, 590.865, 590.868, 590.871, 590.874, 590.877, and 590.880, to read as follows:

**488.028.** As provided by section **590.856**, RSMo, there shall be assessed and collected a surcharge of seven dollars in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality or against any person who has pled guilty and paid their fine under subsection 4 of section **476.385**, RSMo. For purposes of this section, the term "county ordinance" shall include any ordinance of any city not within a county. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections **488.010 to 488.020**. Such funds shall be payable to the law enforcement safety fund created under section **590.853**, RSMo.

**590.850.** As used in sections **590.850 to 590.880**, unless the context clearly indicates that a different meaning is intended, the following terms shall mean:

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.

- 3           (1) "Board of directors" or "board", the board of directors established in sections  
4 **590.850 to 590.880;**
- 5           (2) "Creditable membership service", service as a police chief or a police officer of  
6 **an eligible municipality or as a deputy sheriff after becoming a member that is creditable**  
7 **in determining the amount of the member's benefits under this system;**
- 8           (3) "Defined contribution system" or "system", the law enforcement safety fund  
9 **system authorized by sections 590.850 to 590.880;**
- 10          (4) "Employee", any full-time police chief or police officer of a municipal police  
11 **department in this state, including the Kansas City police department, the St. Louis police**  
12 **department, and the St. Louis County police department, and any full-time deputy sheriffs;**
- 13          (5) "Member" and "eligible members", any active marshal, police chief, police  
14 **officer, sheriff, or deputy sheriff of the system; any former police chief, police officer,**  
15 **sheriff, or deputy sheriff receiving benefits from the system; any former police chief, police**  
16 **officer, sheriff, or deputy sheriff that is vested in the system but not receiving benefits; any**  
17 **marshal, police chief, police officer, sheriff, or deputy sheriff on disability leave; and for**  
18 **the purposes of section 590.862, any marshal, police chief or police officer who is employed**  
19 **full-time by an eligible municipality or any sheriff or deputy sheriff who is employed full-**  
20 **time by a county;**
- 21          (6) "Municipality" or "eligible municipality", each municipal police department,  
22 **including the Kansas City police department, the St. Louis police department, and the St.**  
23 **Louis County police department;**
- 24          (7) "Prior service", the total years of full-time licensed and commissioned law  
25 **enforcement service.**

**590.853.** There is hereby established a "Law Enforcement Safety Fund" which  
2 shall be under the management of a board of directors described in section 590.859. The  
3 board of directors shall be responsible for the administration and the investment of the  
4 moneys of such fund. Neither the general assembly nor the governing body of a county  
5 shall appropriate moneys for deposit in the fund. If insufficient funds are generated to  
6 provide the benefits payable under the provisions of sections 590.850 to 590.880, the board  
7 shall proportion the benefits according to the funds available.

**590.856. 1.** Beginning August 28, 2009, 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 each  
4 **criminal case involving violations of any county ordinance or a violation of any criminal**  
5 **or traffic laws of the state, including infractions, or violations of municipal ordinances,**  
6 **provided that no such fee shall be collected in any proceeding in any court when the**

7 proceeding or defendant has been dismissed by the court or when costs are to be paid by  
8 the state, county, or municipality or against any person who has pled guilty and paid their  
9 fine under subsection 4 of section 476.385, RSMo. For purposes of this section, the term  
10 "county ordinance" shall include any ordinance of any city not within a county;

11 (2) The clerk responsible for collecting court costs in criminal cases shall collect and  
12 disburse such amounts as provided by sections 488.010 to 488.020, RSMo. Such funds shall  
13 be payable to the law enforcement safety fund created under section 590.853, and shall be  
14 used only for the purposes provided for in sections 590.850 to 590.880. This fee shall be  
15 collected in all criminal cases, including violations of any county or municipal ordinances  
16 or any violations of criminal or traffic laws, including cases where a collection agency is  
17 being used.

18 2. The board may accept gifts, donations, grants, and bequests from public or  
19 private sources to the law enforcement safety fund.

590.859. 1. The general administration and the responsibility for the proper  
2 operation of the fund and the investment of the fund are vested in a board of directors of  
3 seven persons. Two of the directors shall be chiefs of police who are members of the  
4 Missouri Police Chiefs' Association, two of the directors shall be full-time police officers  
5 or deputy sheriffs who are members of a state fraternal order of police, one of the directors  
6 shall be a sheriff, one of the directors shall be a member of the general assembly from the  
7 joint committee on public employee retirement, and one of the directors shall be a member  
8 at-large. The directors of the first board shall be appointed by the governor by and with  
9 the consent of the senate, and shall serve terms of four years from the first day of January,  
10 2010. For subsequent boards, the two police chief directors shall be elected by a secret  
11 ballot vote of the members of the Missouri Police Chiefs' Association. The two police  
12 officers or deputy sheriff directors shall be elected by a secret ballot vote of the members  
13 of the Missouri fraternal order of police. The sheriff director shall be elected by a secret  
14 ballot vote of the members of the Missouri Sheriffs' Association. The director from the  
15 general assembly shall be appointed by the governor with the advice and consent of the  
16 senate. The member-at-large shall be appointed by the other board members. It shall be  
17 the responsibility of the initial board to establish procedures for the conduct of future  
18 elections of directors and such procedures shall be approved by a majority vote by secret  
19 ballot of the police chiefs, officers, and deputy sheriffs. The board shall have all powers  
20 and duties that are necessary and proper to enable it, its officers, employees, and agents  
21 to fully and effectively carry out all the purposes of sections 590.850 to 590.880.

22 2. The board of directors shall elect one of their members as chair and one of their  
23 members as vice chair and may employ an administrator who shall serve as secretary to

24 the board. The board shall hold regular meetings at least once each quarter. Other  
25 meetings may be called as necessary by the chair. Notice of such meetings shall be given  
26 in accordance with chapter 610, RSMo.

27       3. The board of directors shall retain an investment counsel to be an investment  
28 advisor to the board, and the board of directors shall arrange for annual audits by a  
29 certified public accountant.

30       4. The board of directors shall serve without compensation for their services as  
31 such, except that each director shall be paid for any necessary expenses incurred in the  
32 performance of duties authorized by the board.

33       5. The board of directors shall be allowed administrative costs for the operation of  
34 the system.

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

40       7. Notwithstanding any other provisions of law, after the expiration of the terms  
41 of the initial board of directors, the directors elected as successors to those initial directors  
42 shall be elected to staggered terms of four years each in the following manner: three  
43 directors shall be elected for a two-year term with their successors being elected to four-  
44 year terms, and four directors shall be elected for a four-year term. The procedures for  
45 such elections and the designation of which terms will initially be two-year terms and  
46 which will be four-year terms shall be established solely by the board of directors of the  
47 law enforcement safety fund system. Beginning with the election of directors under the  
48 provisions of this subsection, at least one, but not more than two of the directors, may be  
49 a member of the law enforcement safety fund system, except that any vacancies occurring  
50 on the board after all members have been duly elected shall be filled by the board and such  
51 appointed members shall serve until the next regularly scheduled election for such filled  
52 position.

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

**590.862.** On or 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, chief of police, police officer of a municipality, or sheriff or  
4 deputy sheriff of a county, including sheriffs from any county with a charter form of  
5 government with more than one million inhabitants, and any home rule city with more  
6 than four thousand inhabitants and located in more than one county, but excluding sheriffs  
7 from any city not within a county, may become a member of the system upon their  
8 enrollment as a member of the system and their first monthly contribution payment of a  
9 minimum of twenty dollars. Such membership shall continue as long as the member  
10 continues to be an employee in a municipal police department or in a sheriff's office, and  
11 continues to make at least the minimum monthly contribution to the system, or is eligible  
12 to receive grants from the fund under the provisions of sections 590.850 to 590.880.

590.865. 1. Any member who is a marshal, chief of police, police officer of a  
2 municipality, or a sheriff or deputy sheriff of a county shall receive the funds the member  
3 personally contributes, at any time, plus any interest or dividends accrued, minus any  
4 maintenance fees.

5 2. In addition to the funds the member personally contributes, any member who  
6 has ten years or more of creditable membership service and a minimum of ten years of  
7 prior service in a position that would have been covered by the system if it had been  
8 established, or who has five years or more of creditable membership service and a  
9 minimum of fifteen years of prior service in a position that would have been covered by the  
10 system if it had been established may also receive the moneys payable from surcharges  
11 collected as set forth in section 488.028, RSMo, and section 590.856, if the member is  
12 eligible to receive such funds and has met the retirement requirements. Such funds  
13 granted shall be equally divided among the eligible members who participate in the defined  
14 contribution system and shall be available beginning on the first of January next  
15 succeeding the expiration of five calendar years from the effective date of the establishment  
16 of the system. The money amount granted shall continue to be paid to any survivor  
17 determined and officially documented by each member upon enrollment and may be  
18 revised by official notification. In no case shall any member receive benefits from the  
19 program prior to the age of fifty-five.

590.868. 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.

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

2       **590.874.** Any member may receive grants from the fund at any time after the end  
3 of the month during which the member becomes eligible under the provisions of section  
4 **590.865** and upon the member's submission of a written application to the board setting  
5 forth at what time, not less than thirty days nor more than ninety days subsequent to the  
execution and filing of the application, the member desires to receive such grants.

2       **590.877. 1.** A former member who has forfeited creditable service may have the  
3 creditable service restored by again becoming an employee and completing the creditable  
4 membership service, as set forth in section **590.862**.

5       **2.** Absences for sickness or injury of less than twelve months shall be counted as  
membership service.

2       **590.880.** The benefits under sections **590.850** to **590.880** shall in no way affect any  
person's eligibility for benefits under any other retirement plan.

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