

FIRST REGULAR SESSION

HOUSE BILL NO. 436

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FITZWATER (Sponsor), NANCE AND REDMON (Co-sponsors).

1241L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 57.010, RSMo, and to enact in lieu thereof one new section relating to sheriff elections.

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

Section A. Section 57.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 57.010, to read as follows: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. 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 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 sheriffs. This subsection shall not apply:

(1) During the first twelve months of the first term of office of any sheriff who is eligible to become licensed as a peace officer and who intends to become so licensed within twelve

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.

17 months after taking office, except this subdivision shall not be effective beginning January 1,
18 2010; 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.

21 **3. (1) Notwithstanding any other provision of this section or chapter 115 to the**
22 **contrary, any county of the third classification without a township form of government and**
23 **with more than ten thousand six hundred but fewer than ten thousand seven hundred**
24 **inhabitants may, by order or ordinance, provide for the nonpartisan election of the county**
25 **sheriff as provided in this subsection.**

26 (2) Any person desiring to become a candidate for sheriff shall file with the election
27 authority a signed statement of such candidacy, stating whether such person is qualified
28 under this chapter to be a candidate for sheriff, that the person requests to be placed on
29 the ballot for the office of sheriff of the county to be voted upon at the next general election
30 for such office, and that such person will serve if elected. Such statement shall be sworn
31 to or affirmed before the election authority.

32 (3) Under the requirements of chapter 115, the election authority shall cause the
33 official ballots to be printed, and the names of the candidates shall appear on the ballots
34 in the order that their statements of candidacy were filed with the election authority. The
35 provisions of sections 115.124 and 115.127 shall apply to the election, and the election
36 authority shall conduct and pay for the election as provided in chapter 115 to the extent
37 that such provisions do not conflict with this subsection.