

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 224
97TH GENERAL ASSEMBLY

0860H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 84.480, 84.490, and 84.510, RSMo, and to enact in lieu thereof four new sections relating to law enforcement agencies.

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

Section A. Sections 84.480, 84.490, and 84.510, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 84.480, 84.490, 84.510, and 106.273, to read as follows:

84.480. The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. The chief of police shall be chosen by the board solely on the basis of his or her executive and administrative qualifications and his or her demonstrated knowledge of police science and administration with special reference to his or her actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall not be more than sixty years of age, shall have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in a good physical condition, and shall be a citizen of the United States and shall either be or become a citizen of the state of Missouri and resident of the city in which he or she is appointed as chief of police. In order to secure and retain the highest type of police leadership within the departments of such cities, the chief shall receive a salary of not less than eighty thousand two hundred eleven dollars, nor more than one hundred [seventy-two] **eighty-nine** thousand [four] **seven** hundred [seventy-eight] **twenty-six** dollars per annum.

84.490. 1. The chief of police shall serve during the pleasure of the board. In case the board determines to remove or demote the chief of police, he shall be notified in writing. Within

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 ten days after receipt of such notice, the chief may, in writing, file with the secretary of the board
4 of police commissioners, demand and he shall receive a written statement of the reasons for such
5 removal or demotion, and a hearing thereon at a public meeting of the board within ten days after
6 the chief files such notice. The chief may be suspended from office pending such hearing. The
7 action of the board in suspending, removing or demoting the chief of police shall be final [and
8 not subject to review by any court].

9 2. The board may, in case of and during the absence or disability of the chief, designate
10 a qualified police officer who shall serve as acting chief and perform the duties of the office. No
11 man shall serve as acting chief who has not the qualifications required for the position of chief.

84.510. 1. For the purpose of operation of the police department herein created, the chief
2 of police, with the approval of the board, shall appoint such number of police department
3 employees, including police officers and civilian employees as the chief of police from time to
4 time deems necessary.

5 2. The base annual compensation of police officers shall be as follows for the several
6 ranks:

7 (1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one
8 thousand nine hundred sixty-nine dollars, nor more than one hundred [twenty-one] **thirty-three**
9 thousand [seven] **eight** hundred [sixteen] **eighty-eight** dollars per annum each;

10 (2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more
11 than one hundred [eleven] **twenty-two** thousand [forty-eight] **one hundred fifty-three** dollars
12 per annum each;

13 (3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor
14 more than one hundred [one] **eleven** thousand [three] **four** hundred [four] **thirty-four** dollars
15 per annum each;

16 (4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor
17 more than [eighty-eight] **ninety-seven** thousand [two hundred sixty] **eighty-six** dollars per
18 annum each;

19 (5) Master patrol officers at not less than fifty-six thousand three hundred four dollars,
20 nor more than [seventy-nine] **eighty-seven** thousand seven hundred [twenty-eight] **one** dollars
21 per annum each;

22 (6) Master detectives at not less than fifty-six thousand three hundred four dollars, nor
23 more than [seventy-nine] **eighty-seven** thousand seven hundred [twenty-eight] **one** dollars per
24 annum each;

25 (7) Detectives, investigators, and police officers at not less than twenty-six thousand six
26 hundred forty-three dollars, nor more than [seventy-five] **eighty-two** thousand [one] **six** hundred
27 [eight] **nineteen** dollars per annum each.

28 3. The board of police commissioners has the authority by resolution to effect a
29 comprehensive pay schedule program to provide for step increases with separate pay rates within
30 each rank, in the above-specified salary ranges from police officers through chief of police.

31 4. Officers assigned to wear civilian clothes in the performance of their regular duties
32 may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed
33 officers may receive seventy-five dollars per month uniform maintenance allowance.

34 5. The chief of police, subject to the approval of the board, shall establish the total
35 regular working hours for all police department employees, and the board has the power, upon
36 recommendation of the chief, to pay additional compensation for all hours of service rendered
37 in excess of the established regular working period, but the rate of overtime compensation shall
38 not exceed one and one-half times the regular hourly rate of pay to which each member shall
39 normally be entitled. No credit shall be given nor deductions made from payments for overtime
40 for the purpose of retirement benefits.

41 6. The board of police commissioners, by majority affirmative vote, including the mayor,
42 has the authority by resolution to authorize incentive pay in addition to the base compensation
43 as provided for in subsection 2 of this section, to be paid police officers of any rank who they
44 determine are assigned duties which require an extraordinary degree of skill, technical
45 knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor
46 deductions made from these payments for the purpose of retirement benefits.

47 7. The board of police commissioners may effect programs to provide additional
48 compensation for successful completion of academic work at an accredited college or university.
49 No credit shall be given nor deductions made from these payments for the purpose of retirement
50 benefits.

51 8. The additional pay increments provided in subsections 6 and 7 of this section shall not
52 be considered a part of the base compensation of police officers of any rank and shall not exceed
53 ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of
54 this section.

55 9. Not more than twenty-five percent of the officers in any rank who are receiving the
56 maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional
57 pay increments authorized by subsections 6 and 7 of this section at any given time. However,
58 any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and
59 7 of this section shall not be deprived of such pay increment as a result of the limitations of this
60 subsection.

106.273. 1. For the purposes of this section, the following terms shall mean:

2 **(1) “Law enforcement officer”, any non-elected law enforcement officer of any**
3 **political subdivision;**

4 **(2) “Just cause”, exists when a law enforcement officer:**

5 **(a) Is unable to perform his or her duties with reasonable competence or reasonable**
6 **safety as a result of a mental condition, including alcohol or substance abuse;**

7 **(b) Has committed any act, while engaged in the performance of his or her duties,**
8 **that constitutes a reckless disregard for the safety of the public or another law enforcement**
9 **officer;**

10 **(c) Has caused a material fact to be misrepresented for any improper or unlawful**
11 **purpose;**

12 **(d) Acts in a manner for the sole purpose of furthering his or her self-interest or**
13 **in a manner inconsistent with the interests of the public of the law enforcement officer’s**
14 **governing body;**

15 **(e) Has been found to have violated any law, statute, or ordinance which constitutes**
16 **a felony; or**

17 **(f) Insubordination or violation of written established policy.**

18 **2. A law enforcement officer shall be subject to removal from office or employment**
19 **by the appointing authority or the governing body of the political subdivision employing**
20 **the law enforcement officer if:**

21 **(1) The governing body of the political subdivision employing the law enforcement**
22 **officer issues a written notice to the law enforcement officer whose removal is being sought**
23 **no fewer than ten business days prior to the meeting at which his or her removal will be**
24 **considered;**

25 **(2) The law enforcement officer has been given written notice as to the governing**
26 **body’s intent to remove him or her. Such notice shall include:**

27 **(a) Charges specifying just cause for which removal is sought;**

28 **(b) A statement of facts that are alleged to constitute just cause for the law**
29 **enforcement officer’s removal; and**

30 **(c) The date, time, and location of the meeting at which the law enforcement**
31 **officer’s removal will be considered;**

32 **(3) The law enforcement officer is given an opportunity to be heard before the**
33 **board, together with any witnesses, evidence and counsel of his or her choosing; and**

34 **(4) The board, by two-thirds majority vote, finds just cause for removing the law**
35 **enforcement officer.**

36 **3. Upon the satisfaction of the removal procedure under subsection 2 of this section,**
37 **the law enforcement officer shall be immediately removed from his or her office, shall be**
38 **relieved of all duties and responsibilities of said office, and shall be entitled to no further**
39 **compensation or benefits not already earned, accrued, or agreed upon.**

40 **4. Any law enforcement officer removed pursuant to subsection 3 of this section**
41 **shall be issued a written notice of the grounds of his or her removal within fourteen**
42 **calendar days of the removal.**

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