

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 25
99TH GENERAL ASSEMBLY

0357H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 92.020 and 210.1014, RSMo, and to enact in lieu thereof ten new sections relating to public safety.

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

Section A. Sections 92.020 and 210.1014, RSMo, are repealed and ten new sections
2 enacted in lieu thereof, to be known as sections 84.514, 92.020, 92.024, 92.025, 92.026,
3 210.1014, 210.1016, 320.087, 590.210, and 590.510, to read as follows:

**84.514. The chief of police, with the approval of the board, may appoint a police
2 officer to serve as lieutenant colonel on matters relating to homeland security and disaster
3 communications. Notwithstanding the provisions of section 84.510 to the contrary, such
4 position shall be a new position and in addition to the number of lieutenant colonels
5 authorized under section 84.510. The lieutenant colonel authorized under this section shall
6 be responsible for matters relating to homeland security and disaster communications as
7 determined by the chief and be entitled to the same rank, privileges, and compensation
8 afforded all other lieutenant colonels within the department.**

92.020. Any such municipality is hereby authorized by ordinance to levy a rate of
2 taxation on all property subject to its taxing power for library, hospital, public health, recreation
3 grounds and museum purposes, and the rate of taxation levied for such purposes shall be in
4 addition to the maximum rate of taxation levied for general municipal purposes, as limited by
5 the constitution or laws of this state. No tax levied for the special purposes enumerated in this
6 section shall exceed the following annual rates:

7 (1) Library, in the manner and at the rate authorized under the provisions of sections
8 182.140 to 182.301;

9 (2) Hospital, ten cents on the hundred dollars assessed valuation;

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.

15 appointed for a term of two years, two directors shall be appointed for a term of three
16 years, and two directors shall be appointed for a term of four years. Directors may be
17 reappointed. All vacancies on the board of directors shall be filled for the remainder of
18 the unexpired term by the mayor of the city. The directors shall not receive any
19 compensation for their services, but may be reimbursed for all actual and necessary
20 expenses incurred in the performance of their official duties from the moneys in the
21 public safety services fund.

22 3. The administrative control and management of the funds in the public safety
23 services fund and all programs to be funded therefrom shall rest solely with the board
24 of directors appointed under subsection 2 of this section; except that, the budget for the
25 public safety services fund shall be approved by the governing body of the city prior to
26 the making of any payments from the fund in any fiscal year. The board of directors
27 shall use the funds in the public safety services fund to provide programs or to pay for
28 existing programs which will improve public safety. The budget may allocate funds for
29 public safety services, including the compensation of public safety personnel who serve
30 in the city in which such property taxes are collected. No funds in the public safety
31 services fund may be used, directly or indirectly, for any political purpose. In
32 providing such services, the board of directors may contract with any person to provide
33 services relating, in whole or in part, to the services which the board itself may provide
34 under this section, and for such purpose may expend the tax proceeds derived from the
35 tax authorized by section 92.024.

36 4. The board of directors shall elect a chairman, vice chairman, and such other
37 officers as it deems necessary; shall establish eligibility requirements for the programs
38 it furnishes; and shall do all other things necessary to carry out the purposes of sections
39 92.024 to 92.026. A majority of the board of directors shall constitute a quorum.

40 5. The board of directors, with the approval of the governing body of the city,
41 may accept any gift of property or money for the use and benefit of the persons to be
42 served through the programs established and funded under sections 92.024 to 92.026,
43 and may sell or exchange any such property so long as such sale or exchange is in the
44 best interests of the programs provided under sections 92.024 to 92.026 and the
45 proceeds from such sale or exchange are used exclusively to fund such programs.

92.026. 1. If the tax, special fund, and board of directors authorized by sections
2 92.024 to 92.026 are repealed or abolished, all funds remaining in the special fund shall
3 be transferred to the general revenue fund of the city not within a county.

4 2. If the governing body of the city shall determine that an audit is necessary or
5 desirable, the accounts of the board of directors shall be audited by a certified public

6 **accountant selected by the governing body of the city. An audit performed under this**
7 **subsection shall also review the records of the receipts and disbursements and the**
8 **property inventory of every officer or office of the board of directors which receives or**
9 **disburses money on behalf of the board or which holds property belonging to the**
10 **board. Upon the completion of the investigation, the certified public accountant shall**
11 **render a report to the governing body of the city, along with a statement showing,**
12 **under appropriate classifications, the receipts and disbursements of the board of**
13 **directors during the period of the audit. The expense of an audit performed under this**
14 **subsection shall be paid by the board of directors from funds in the public safety**
15 **services fund.**

210.1014. 1. There is hereby created the "Amber Alert System Oversight
2 Committee", whose primary duty shall be to develop criteria and procedures for the Amber
3 alert system and shall be housed within the department of public safety. The committee shall
4 regularly review the function of the Amber alert system and revise its criteria and procedures
5 in cooperation with the department of public safety to provide for efficient and effective
6 public notification **and meet at least annually to discuss potential improvements to the**
7 **Amber alert system.** As soon as practicable, the committee shall adopt criteria and
8 procedures to expand the Amber alert system to provide urgent public alerts related to
9 homeland security, criminal acts, health emergencies, and other imminent dangers to the
10 public health and welfare.

11 2. The Amber alert system oversight committee shall consist of ten members of
12 which seven members shall be appointed by the governor with the advice and consent of the
13 senate. Such members shall represent the following entities: two representatives of the
14 Missouri Sheriffs' Association; two representatives of the Missouri Police Chiefs
15 Association; one representative of small market radio broadcasters; one representative of
16 large market radio broadcasters; one representative of television broadcasters. The director
17 of the department of public safety shall also be a member of the committee and shall serve as
18 chair of the committee. Additional members shall include one representative of the highway
19 patrol and one representative of the department of health and senior services.

20 3. Members of the oversight committee shall serve a term of four years, except that
21 members first appointed to the committee shall have staggered terms of two, three, and four
22 years and shall serve until their successor is duly appointed and qualified.

23 4. Members of the oversight committee shall serve without compensation, except that
24 members shall be reimbursed for their actual and necessary expenses required for the
25 discharge of their duties.

26 5. The Amber alert system oversight committee shall promulgate rules for the
27 implementation of the Amber alert system. Any rule or portion of a rule, as that term is
28 defined in section 536.010, that is created under the authority delegated in this section shall
29 become effective only if it complies with and is subject to all of the provisions of chapter 536
30 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
31 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
32 the effective date or to disapprove and annul a rule are subsequently held unconstitutional,
33 then the grant of rulemaking authority and any rule proposed or adopted after August 28,
34 2003, shall be invalid and void.

210.1016. 1. The provisions of this section shall be known and may be cited as
2 **"Hailey's Law".**

3 **2. The Amber alert system shall be integrated into the Missouri uniform law**
4 **enforcement system (MULES) and Regional Justice Information Service (REJIS) to**
5 **expedite the reporting of child abductions.**

320.087. Records that are subject to closure under the Health Insurance
2 **Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191, as amended, may be**
3 **closed records as provided under sections 610.100 to 610.105 if maintained by fire**
4 **departments and fire protection districts.**

590.210. Notwithstanding any other provision of law, any law enforcement
2 **agency in this state may supplement such agency's workforce as necessary with**
3 **qualified retired peace officers as defined in subsection 12 of section 571.030 when a**
4 **disaster or emergency has been proclaimed by the governor or when there is a national**
5 **emergency. The law enforcement agency shall determine the role of the retired police**
6 **officer, who shall serve as a volunteer.**

590.510. 1. Every law enforcement agency in this state shall have a written
2 **policy regarding the investigation of officer-involved deaths that involve a law**
3 **enforcement officer employed by the law enforcement agency. Such written policy**
4 **shall:**

- 5 **(1) Require an investigation conducted by at least two investigators, one of**
6 **whom is the lead investigator and neither of whom is employed by a law enforcement**
7 **agency that employs a law enforcement officer involved in the officer-involved death;**
8 **(2) Require the investigation to use a crash reconstruction unit from a law**
9 **enforcement agency that does not employ a law enforcement officer involved in the**
10 **officer-involved death being investigated if the death is traffic-related. However, any**
11 **state law enforcement agency may allow an investigation involving a law enforcement**

12 officer employed by that agency to use a crash reconstruction unit from the same state
13 law enforcement agency; and

14 (3) Allow an internal investigation into the officer-involved death if the internal
15 investigation does not interfere with the investigation required under this section.

16 2. Compensation for participation in an investigation under this chapter shall be
17 determined in a manner consistent with mutual aid agreements.

18 3. The investigators conducting an investigation under this section shall provide
19 a complete report, in an expeditious manner, to the prosecutor of the county or city not
20 within a county in which the officer-involved death occurred. If the prosecutor
21 determines there is no basis to prosecute the law enforcement officer involved in the
22 officer-involved death, the investigators conducting the investigation under this section
23 shall release a report of their findings.

24 4. As used in this section, the term "officer-involved death" shall mean a death
25 of an individual that results directly from an action or an omission of a law enforcement
26 officer while the officer is on duty or while the officer is off duty but performing
27 activities that are within the scope of his or her law enforcement duties.

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