

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION
[CORRECTED]

HOUSE BILL NO. 15

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

5803H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof three new sections relating to residency requirements for first responders, with an emergency clause.

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

Section A. Section 84.344, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 71.201, 84.344, and 285.040, to read as follows:

71.201. 1. For the purposes of this section, "local governmental unit" shall mean any city, village, town, county, township, board of police established by section 84.020, or board of police commissioners established by section 84.350.

2. (1) No local governmental unit shall require, as a condition of employment, that any currently employed or prospective law enforcement officer reside within any jurisdiction.

(2) If a local governmental unit has a residency rule or requirement for law enforcement officers that violates this section in effect on or before the effective date of this section, such residency rule or requirement is null and unenforceable.

3. A local governmental unit may impose a residency rule or requirement on law enforcement officers no more restrictive than requiring such personnel to reside within a one-hour response time.

4. This section shall not apply to 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.

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. Commissioned and civilian personnel ~~[who were previously employed by the board of a municipal police force shall [continue to] not be subject[, throughout their employment for the city not within a county,] to a residency [rule no more restrictive than a] requirement of retaining a primary residence in a city not within a county [for a total of seven years and of then allowing them to] but may be required to maintain a primary residence [outside the city not within a county so long as the residence is] located within a one-hour response time.~~

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1

37 of this section shall continue to be entitled to the same pension benefits provided under chapter
38 86 and the same benefits set forth in subsection 5 of this section.

39 8. If the city not within a county elects to establish a municipal police force under this
40 section, the city shall establish a separate division for the operation of its municipal police force.
41 The civil service commission of the city may adopt rules and regulations appropriate for the
42 unique operation of a police department. Such rules and regulations shall reserve exclusive
43 authority over the disciplinary process and procedures affecting commissioned officers to the
44 civil service commission; however, until such time as the city adopts such rules and regulations,
45 the commissioned personnel shall continue to be governed by the board of police commissioner's
46 rules and regulations in effect immediately prior to the establishment of the municipal police
47 force, with the police chief acting in place of the board of police commissioners for purposes of
48 applying the rules and regulations. Unless otherwise provided for, existing civil service
49 commission rules and regulations governing the appeal of disciplinary decisions to the civil
50 service commission shall apply to all commissioned and civilian personnel. The civil service
51 commission's rules and regulations shall provide that records prepared for disciplinary purposes
52 shall be confidential, closed records available solely to the civil service commission and those
53 who possess authority to conduct investigations regarding disciplinary matters pursuant to the
54 civil service commission's rules and regulations. A hearing officer shall be appointed by the civil
55 service commission to hear any such appeals that involve discipline resulting in a suspension of
56 greater than fifteen days, demotion, or termination, but the civil service commission shall make
57 the final findings of fact, conclusions of law, and decision which shall be subject to any right of
58 appeal under chapter 536.

59 9. A city not within a county that establishes and maintains a municipal police force
60 under this section:

61 (1) Shall provide or contract for life insurance coverage and for insurance benefits
62 providing health, medical, and disability coverage for commissioned and civilian personnel of
63 the municipal police force to the same extent as was provided by the board of police
64 commissioners under section 84.160;

65 (2) Shall provide or contract for medical and life insurance coverage for any
66 commissioned or civilian personnel who retired from service with the board of police
67 commissioners or who were employed by the board of police commissioners and retire from the
68 municipal police force of a city not within a county to the same extent such medical and life
69 insurance coverage was provided by the board of police commissioners under section 84.160;

70 (3) Shall make available medical and life insurance coverage for purchase to the spouses
71 or dependents of commissioned and civilian personnel who retire from service with the board
72 of police commissioners or the municipal police force and deceased commissioned and civilian

73 personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such
74 dependent's or spouse's coverage would cost under the appropriate plan if the deceased were
75 living; and

76 (4) May pay an additional shift differential compensation to commissioned and civilian
77 personnel for evening and night tours of duty in an amount not to exceed ten percent of the
78 officer's base hourly rate.

79 10. A city not within a county that establishes a municipal police force under sections
80 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:
81 coordinating and implementing the transition of authority, operations, assets, and obligations
82 from the board of police commissioners to the city; winding down the affairs of the board;
83 making nonbinding recommendations for the transition of the police force from the board to the
84 city; and other related duties, if any, established by executive order of the city's mayor. Once the
85 ordinance referenced in this section is enacted, the city shall provide written notice to the board
86 of police commissioners and the governor of the state of Missouri. Within thirty days of such
87 notice, the mayor shall appoint three members to the committee, two of whom shall be members
88 of a statewide law enforcement association that represents at least five thousand law enforcement
89 officers. The remaining members of the committee shall include the police chief of the
90 municipal police force and a person who currently or previously served as a commissioner on
91 the board of police commissioners, who shall be appointed to the committee by the mayor of
92 such city.

**285.040. 1. As used in this section, "first responder" means any person trained and
2 authorized by law or rule to render emergency medical assistance or treatment. "First
3 responder" includes, but is not limited to, firefighters, emergency medical technicians, and
4 paramedics and does not include law enforcement officers.**

5 **2. A person employed as a first responder or being considered for a first responder
6 position in either a city not within a county or a home rule city with more than four
7 hundred thousand inhabitants and located in more than one county shall not be required,
8 as a condition of employment, to reside within any jurisdiction. However, a first responder
9 in such a city may be required to have a primary residence within a one-hour response
10 time.**

Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and residents
3 from the recent unprecedented wave of violent crime across our nation and state, the repeal and
4 reenactment of section 84.344 of section A of this act and enactment of sections 71.201 and
5 285.040 of section A of this act is deemed necessary for the immediate preservation of the public
6 health, welfare, peace, and safety and is hereby declared to be an emergency act within the

7 meaning of the constitution, and the repeal and reenactment of section 84.344 of section A of this
8 act and enactment of sections 71.201 and 285.040 of section A of this act shall be in full force
9 and effect upon its passage and approval.

✓