

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 46
100TH GENERAL ASSEMBLY

5857H.02T

2020

AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof two new sections relating to residency requirements for certain municipal personnel, 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Section A. Section 84.344, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 84.344 and 285.040, to read as follows:

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.

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.

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

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

29 6. (1) Commissioned and civilian personnel ~~[who were previously employed by the~~
30 ~~board]~~ **of a municipal police force established under this section who are hired prior to**
31 **September 1, 2023**, shall ~~[continue to]~~ **not** be subject~~[- throughout their employment for the city~~
32 ~~not within a county,]~~ to a residency ~~[rule no more restrictive than a]~~ requirement of retaining a
33 primary residence in a city not within a county ~~[for a total of seven years and of then allowing~~
34 ~~them to]~~ **but may be required to** maintain a primary residence ~~[outside the city not within a~~
35 ~~county so long as the residence is]~~ located within a one-hour response time.

36 (2) **Commissioned and civilian personnel of a municipal police force established**
37 **under this section who are hired after August 31, 2023, may be subject to a residency rule**
38 **no more restrictive than a requirement of retaining a primary residence in a city not within**
39 **a county for a total of seven years and of then allowing the personnel to maintain a**
40 **primary residence outside the city not within a county so long as the primary residence is**
41 **located within a one-hour response time.**

42 7. The commissioned and civilian personnel who retire from service with the board of
43 police commissioners before the establishment of a municipal police force under subsection 1
44 of this section shall continue to be entitled to the same pension benefits provided under chapter
45 86 and the same benefits set forth in subsection 5 of this section.

46 8. If the city not within a county elects to establish a municipal police force under this
47 section, the city shall establish a separate division for the operation of its municipal police force.
48 The civil service commission of the city may adopt rules and regulations appropriate for the
49 unique operation of a police department. Such rules and regulations shall reserve exclusive
50 authority over the disciplinary process and procedures affecting commissioned officers to the
51 civil service commission; however, until such time as the city adopts such rules and regulations,

52 the commissioned personnel shall continue to be governed by the board of police commissioner's
53 rules and regulations in effect immediately prior to the establishment of the municipal police
54 force, with the police chief acting in place of the board of police commissioners for purposes of
55 applying the rules and regulations. Unless otherwise provided for, existing civil service
56 commission rules and regulations governing the appeal of disciplinary decisions to the civil
57 service commission shall apply to all commissioned and civilian personnel. The civil service
58 commission's rules and regulations shall provide that records prepared for disciplinary purposes
59 shall be confidential, closed records available solely to the civil service commission and those
60 who possess authority to conduct investigations regarding disciplinary matters pursuant to the
61 civil service commission's rules and regulations. A hearing officer shall be appointed by the civil
62 service commission to hear any such appeals that involve discipline resulting in a suspension of
63 greater than fifteen days, demotion, or termination, but the civil service commission shall make
64 the final findings of fact, conclusions of law, and decision which shall be subject to any right of
65 appeal under chapter 536.

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

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

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

77 (3) Shall make available medical and life insurance coverage for purchase to the spouses
78 or dependents of commissioned and civilian personnel who retire from service with the board
79 of police commissioners or the municipal police force and deceased commissioned and civilian
80 personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such
81 dependent's or spouse's coverage would cost under the appropriate plan if the deceased were
82 living; and

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

86 10. A city not within a county that establishes a municipal police force under sections
87 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:

88 coordinating and implementing the transition of authority, operations, assets, and obligations
89 from the board of police commissioners to the city; winding down the affairs of the board;
90 making nonbinding recommendations for the transition of the police force from the board to the
91 city; and other related duties, if any, established by executive order of the city's mayor. Once the
92 ordinance referenced in this section is enacted, the city shall provide written notice to the board
93 of police commissioners and the governor of the state of Missouri. Within thirty days of such
94 notice, the mayor shall appoint three members to the committee, two of whom shall be members
95 of a statewide law enforcement association that represents at least five thousand law enforcement
96 officers. The remaining members of the committee shall include the police chief of the
97 municipal police force and a person who currently or previously served as a commissioner on
98 the board of police commissioners, who shall be appointed to the committee by the mayor of
99 such city.

**285.040. 1. As used in this section, "public safety employee" shall mean a person
2 trained or authorized by law or rule to render emergency medical assistance or treatment,
3 including, but not limited to, firefighters, ambulance attendants and attendant drivers,
4 emergency medical technicians, emergency medical technician paramedics, dispatchers,
5 registered nurses, physicians, and sheriffs and deputy sheriffs.**

**6 2. No public safety employee of a city not within a county who is hired prior to
7 September 1, 2023, shall be subject to a residency requirement of retaining a primary
8 residence in a city not within a county but may be required to maintain a primary
9 residence located within a one-hour response time.**

**10 3. Public safety employees of a city not within a county who are hired after August
11 31, 2023, may be subject to a residency rule no more restrictive than a requirement of
12 retaining a primary residence in a city not within a county for a total of seven years and
13 of then allowing the public safety employee to maintain a primary residence outside the
14 city not within a county so long as the primary residence is located within a one-hour
15 response 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 enactment
4 of section 285.040 and the repeal and reenactment of section 84.344 of this act are deemed
5 necessary for the immediate preservation of the public health, welfare, peace, and safety and are
6 hereby declared to be an emergency act within the meaning of the constitution, and the enactment
7 of section 285.040 and the repeal and reenactment of section 84.344 of this act shall be in full
8 force and effect upon its passage and approval.

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