

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 784

101ST GENERAL ASSEMBLY

0674H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 8.010, 8.170, 8.172, 8.177, and 8.178, RSMo, and to enact in lieu thereof eight new sections relating to capitol security.

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

Section A. Sections 8.010, 8.170, 8.172, 8.177, and 8.178, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 8.010, 8.111, 8.170, 8.172, 8.177, 8.178, 21.495, and 21.496, to read as follows:

8.010. 1. The governor, attorney general and lieutenant governor constitute the board of public buildings. The governor is chairman and the lieutenant governor, secretary. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex officio members of the board but shall not have the power to vote. The board shall constitute a body corporate and politic. Except as provided under ~~[section]~~ **sections 8.007 and 8.111**, the board has general supervision and charge of the public property of the state at the seat of government, including the building located at 105 West Capitol Avenue in Jefferson City, and other duties imposed on it by law.

2. The commissioner of administration shall provide staff support to the board.

**8.111. 1. There is hereby established the "Capitol Police Board", which shall be composed of seven members, as follows:**

- (1) The governor, or his or her designee;**
- (2) The speaker of the house of representatives, or his or her designee;**
- (3) The minority floor leader of the house of representatives, or his or her designee;**
- (4) The president pro tempore of the senate, or his or her designee;**
- (5) The minority floor leader of the senate, or his or her designee;**

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.

- 8           **(6) The chief justice of the Missouri supreme court, or his or her designee; and**  
9           **(7) The chair of the state capitol commission.**

10

11 **The lieutenant governor, the chief clerk of the house of representatives, and the secretary**  
12 **of the senate, or their designees, shall serve as ex officio members of the board but shall not**  
13 **have the power to vote. At the first meeting of the board and at yearly intervals thereafter,**  
14 **the members shall select from among themselves a chair, a vice chair, and a secretary.**

15           **2. The board shall be assigned to the house of representatives with supervision by**  
16 **the house of representatives only for budgeting and reporting. Such supervision shall not**  
17 **extend to matters relating to policies, regulatory functions, or appeals from activities of the**  
18 **board, and no member or employee of the house of representatives shall participate in or**  
19 **interfere with the activities of the board in any manner not specifically provided by law,**  
20 **or at the direction of the board, and no member or employee of the house of**  
21 **representatives shall interfere in any manner with any budget request of or with respect**  
22 **to the withholding of any moneys appropriated to the board by the general assembly.**

23           **3. The board shall provide for public safety at the seat of government and for the**  
24 **safety and security of elected officials, government employees, and their guests as needed**  
25 **outside the seat of government. The board shall hire police officers as described in section**  
26 **8.177.**

27           **4. The board shall hire a chief of police, who shall be certified under chapter 590**  
28 **and serve subject to the supervision of and at the pleasure of the board. The chief of police**  
29 **shall be responsible for the administrative operations of the capitol police and perform**  
30 **such other duties as may be delegated or assigned to the chief by law or by the board. The**  
31 **chief of police shall employ staff and retain such contract services as he or she deems**  
32 **necessary, within the limits authorized by appropriations of the general assembly.**

33           **5. The board may promulgate all necessary rules and regulations for the**  
34 **administration of sections 8.111 to 8.178. Any rule or portion of a rule, as that term is**  
35 **defined in section 536.010, that is created under the authority delegated in this section shall**  
36 **become effective only if it complies with and is subject to all of the provisions of chapter**  
37 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**  
38 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**  
39 **to delay the effective date, or to disapprove and annul a rule are subsequently held**  
40 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
41 **after August 28, 2021, shall be invalid and void.**

          8.170. The ~~director~~ **Missouri capitol police** shall prosecute, in the name of the state,  
2 for all trespasses and injuries of every kind done to the public buildings and other property, and

3 shall attend to the suits relative to the same. The attorney general shall give counsel, or  
4 prosecute suits, when required by the ~~[director]~~ **chief**.

8.172. The ~~[commissioner of administration]~~ **capitol police board** shall make rules and  
2 regulations for the regulation of traffic and parking at all parking space upon the capitol grounds  
3 and upon the grounds of other state buildings located within the capital city. The regulations  
4 shall be enforced by the Missouri capitol police.

8.177. 1. The ~~[director of the department of public safety]~~ **capitol police board** shall  
2 employ Missouri capitol police officers for public safety at the seat of state government. Each  
3 Missouri capitol police officer, upon appointment, shall take and subscribe an oath of office to  
4 support the constitution and laws of the United States and the state of Missouri and shall receive  
5 a certificate of appointment, a copy of which shall be filed with the secretary of state, granting  
6 such police officers all the same powers of arrest held by other police officers to maintain order  
7 and preserve the peace in all state-owned or leased buildings, and the grounds thereof, at the seat  
8 of government and such buildings and grounds within the county which contains the seat of  
9 government.

10 2. The ~~[director of the department of public safety]~~ **capitol police board** shall appoint  
11 a sufficient number of Missouri capitol police officers, with available appropriations, as  
12 appropriated specifically for the purpose designated in this subsection, so that the capitol grounds  
13 may be patrolled at all times, and that traffic and parking upon the capitol grounds and the  
14 grounds of other state buildings owned or leased within the capital city and the county which  
15 contains the seat of government may be properly controlled. Missouri capitol police officers may  
16 make arrests for the violation of parking and traffic regulations promulgated by the ~~[office of~~  
17 ~~administration]~~ **capitol police board**.

18 3. Missouri capitol police officers shall be authorized to arrest a person anywhere in the  
19 county that contains the state seat of government, when there is probable cause to believe the  
20 person committed a crime within capitol police jurisdiction or when a person commits a crime  
21 in the presence of an on-duty capitol police officer.

8.178. Any person who violates sections 8.172 to 8.174, or section 8.177, or any of the  
2 traffic or parking regulations of the ~~[commissioner]~~ **capitol police board** shall be punished as  
3 follows:

4 (1) Fines for traffic violations shall not, except as provided by section 301.143, exceed  
5 five dollars for overparking, fifteen dollars for double parking and fifty dollars for speeding[;]  
6 ; and

7 (2) The circuit court of Cole County has authority to enforce ~~[this law]~~ **the traffic or**  
8 **parking regulations of the capitol police board**.

21.495. 1. The speaker of the house of representatives may appoint house marshals to aid the sergeant-at-arms in overseeing the physical security of the areas within the capitol under the control of the house of representatives, serving house-generated papers and orders, and assisting members of the house of representatives as the speaker determines appropriate. Such marshals shall serve at the pleasure of the speaker of the house of representatives. Any marshals authorized by this section are in addition to capitol police officers or any other law enforcement personnel that may otherwise be provided by law.

2. Subject to the rules of the house of representatives, house marshals may carry firearms when necessary for the proper discharge of their duties. Such marshals shall have all powers granted to law enforcement officers in this state to apprehend and arrest persons and that are necessary to ensure the proper security and functioning of the house of representatives.

3. Any person appointed as a house marshal under this section shall have at least five years' prior experience as a law enforcement officer. Any such person shall possess and maintain a valid peace officer license for the duration of his or her employment. Such person shall be required to complete continuing basic training for licensure as required by the POST commission including, but not limited to, implicit bias training and de-escalation training. In addition to all other powers and duties provided by law to the sergeant-at-arms of the house, a house marshal or the sergeant-at-arms may serve process, wear a concealable firearm, and make arrests based upon state law, as directed by the speaker of the house of representatives.

4. Notwithstanding the provisions of section 590.020 to the contrary, the Missouri house of representatives shall be authorized to commission peace officers to serve as sergeants-at-arms, deputy sergeants-at-arms, or house marshals. The sergeants-at-arms, deputy sergeants-at-arms, and house marshals shall, before they enter upon their duties, take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the clerk of the house, and the clerk shall give each officer so appointed and qualified a certificate of appointment, under the seal of the house of representatives, which certificate shall empower him or her with the same authority to maintain order, preserve peace, and make arrests as is now held by law enforcement officers.

21.496. 1. The president pro tempore of the senate may appoint senate marshals to aid the sergeant-at-arms in overseeing the physical security of the areas within the capitol under the control of the senate, serving senate-generated papers and orders, and assisting members of the senate as the president pro tempore determines appropriate.

5 Such marshals shall serve at the pleasure of the president pro tempore of the senate. Any  
6 marshals authorized by this section are in addition to capitol police officers or any other  
7 law enforcement personnel that may otherwise be provided by law.

8       2. Subject to the rules of the senate, senate marshals may carry firearms when  
9 necessary for the proper discharge of his or her duties. Such marshals shall have all  
10 powers granted to law enforcement officers in this state to apprehend and arrest persons  
11 and that are necessary to ensure the proper security and functioning of the senate.

12       3. Any person appointed as a senate marshal under this section shall have at least  
13 five years' prior experience as a law enforcement officer. Any such person shall possess  
14 and maintain a valid peace officer license for the duration of his or her employment. Such  
15 person shall be required to complete continuing basic training for licensure as required by  
16 the POST commission including, but not limited to, implicit bias training and de-escalation  
17 training. In addition to all other powers and duties provided by law to the sergeant-at-  
18 arms of the senate, a senate marshal or the sergeant-at-arms may serve process, wear a  
19 concealable firearm, and make arrests based upon state law, as directed by the president  
20 pro tempore of the senate.

21       4. Notwithstanding the provisions of section 590.020 to the contrary, the Missouri  
22 senate shall be authorized to commission peace officers to serve as sergeants-at-arms,  
23 deputy sergeants-at-arms, or senate marshals. The sergeants-at-arms, deputy sergeants-at-  
24 arms, and senate marshals shall, before they enter upon their duties, take and subscribe  
25 an oath of office before some officer authorized to administer oaths, to faithfully and  
26 impartially discharge the duties thereof, which oath shall be filed in the office of the  
27 secretary of the senate, and the secretary shall give each officer so appointed and qualified  
28 a certificate of appointment, under the seal of the senate, which certificate shall empower  
29 him or her with the same authority to maintain order, preserve peace, and make arrests  
30 as is now held by law enforcement officers.

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