

SCS HB 41 -- LAW ENFORCEMENT

This bill changes the laws regarding law enforcement. In its main provisions, the bill:

- (1) Repeals an obsolete provision which allows the police department of the City of St. Louis to hire certain retired police officers as special advisors;
- (2) Allows grant money received by multijurisdictional Internet cyber crime law enforcement task forces to be used to purchase necessary equipment, supplies, and services. Currently, the grant money may only be used to pay law enforcement salaries and provide training;
- (3) Allows multijurisdictional enforcement groups to receive grant money to investigate Internet sexual crimes against children;
- (4) Allows up to 3% of the money appropriated to the Department of Public Safety for the multijurisdictional enforcement grant program to be used for its administrative costs;
- (5) Specifies that the arrest powers of a peace officer authorized as a member of a multijurisdictional Internet cyber crime law enforcement task force can only be used when the officer is an active member of the task force and acting within the scope of the investigation. The officer will have the power of arrest anywhere in the state and must provide prior notification to the local police chief or sheriff of an arrest in his or her jurisdiction. However, if critical circumstances exist, an arrest may be made and the notification must be made to the police chief or sheriff as soon as possible. The police chief or sheriff may elect to work with task forces within his or her jurisdiction;
- (6) Grants a person serving as a reserve officer on August 27, 2001, within a county of the first classification or St. Louis County, who has previously completed a minimum of 160 hours of training, a license to function as a reserve peace officer only within that county;
- (7) Allows the St. Louis Board of Police Commissioners to delegate some of its jurisdiction to hearing officers. At the board's discretion, a hearing officer may preside over disciplinary matters, submit reports to the board, and make recommendations on the disciplinary matter and the appropriateness of the recommended discipline. The process for selecting hearing officers is specified. After a hearing officer presides over a matter, he or she will become ineligible to hear

a case until all hearing officers have been utilized, at which time the rotation will begin again. The board will retain authority to render a final decision after a review of the evidence and the report of the hearing officer;

(8) Updates several provisions of law in Chapter 43, RSMo, regarding the operations of the State Highway Patrol;

(9) Requires the Superintendent of the State Highway Patrol to be appointed from the uniformed membership of the patrol and removes the requirement that the superintendent reside in Jefferson City;

(10) Authorizes the patrol superintendent to enter into an agreement with the Missouri Gaming Commission to enforce any law or regulation, conduct background investigations related to the laws of this state, and enforce the regulation of licensed gaming activities;

(11) Increases the amount an entity requesting criminal history record information not based on a fingerprint search must pay from up to \$5 per request to up to \$9. After January 1, 2010, the patrol superintendent may increase this fee up to \$1 per year, up to a \$15 maximum. Any entity requesting criminal history record information based on a fingerprint search is required to pay up to \$20 per request. If the request is for a concealed carry endorsement or foster parent, residential care facility, or child placing agency license, the fee will be \$14;

(12) Allows any state agency or board to require the fingerprinting of an applicant or employee in specified occupations for the purpose of positive identification and for receiving criminal history record information when determining the applicant's or employee's ability or fitness for a position; and

(13) Authorizes the patrol, at the direction of the Governor, to conduct a name or fingerprint background investigation of a gubernatorial appointee or applicant and other investigations to determine if the individual has paid his or her required taxes to establish the person's suitability for a position of public trust.

The bill contains an emergency clause regarding the multijurisdictional enforcement groups.