

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 71

96TH GENERAL ASSEMBLY

0030L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 84.010, RSMo, and to enact in lieu thereof eight new sections relating to the St. Louis police force with penalty provisions.

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

Section A. Section 84.010, RSMo, is repealed and eight new sections enacted in lieu thereof, to be known as sections 84.010, 84.345, 84.346, 84.347, 84.348, 84.349, 1, and 2, to read as follows:

84.010. **1.** In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or thereunder, except that in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.

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.

17 **2. Notwithstanding any provision of subsection 1 of this section or any other law**
18 **to the contrary, as of August 28, 2011, any city not within a county may establish and**
19 **thereafter maintain, a municipal police force under sections 84.345 and 84.346.**

84.345. Any city not within a county may establish a municipal police force for the
2 **purposes of:**

3 **(1) Preserving the public peace, welfare, and order;**

4 **(2) Preventing crime and arresting suspected offenders;**

5 **(3) Enforcing the laws of the state and ordinances of the city;**

6 **(4) Exercising all powers available to a police force under generally applicable state**
7 **law; and**

8 **(5) Regulating and licensing all private watchmen, private detectives, and private**
9 **policemen serving or acting as such in said cities.**

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11 **No person shall act as a private watchman, private detective, or private policeman in said**
12 **cities without first having obtained a written license from said police force.**

84.346. A city not within a county that establishes and maintains a municipal police
2 **force pursuant to these sections shall provide for the employment in the municipal police**
3 **force, immediately upon the effective date of the establishment of the municipal police**
4 **force, of all officers and employees of any police force previously established under sections**
5 **84.010 to 84.340 at their then current salaries, and for their entitlement to all accrued**
6 **benefits, including but not limited to, vacation time, sick leave, health insurance and**
7 **pensions. Any such city not within a county shall recognize any regulation concerning**
8 **residence of police officers adopted by the board of police commissioners under sections**
9 **84.020 and 84.030. Any retired officers shall also maintain their accrued benefits.**

84.347. The provisions of subsection 1 of section 84.010 and sections 84.015, 84.020,
2 **84.030, 84.040, 84.050, 84.060, 84.070, 84.080, 84.090, 84.095, 84.100, 84.110, 84.120, 84.130,**
3 **84.140, 84.150, 84.160, 84.170, 84.175, 84.180, 84.190, 84.200, 84.210, 84.220, 84.230, 84.240,**
4 **84.250, 84.260, 84.265, 84.330, and 84.340, and the terms of office of the commissioners of**
5 **the board of police under sections 84.020 and 84.030 shall expire upon the effective date**
6 **of this statute.**

84.348. Any police pension system created under chapter 86 for the benefit of a
2 **police force established under sections 84.010 to 84.340 shall continue to be governed by**
3 **chapter 86, and shall apply to any police force established under sections 84.345 and**
4 **84.346. Nothing in the provisions of subsection 2 of section 84.010, section 84.345, 84.346,**
5 **or 84.347 shall be construed to relieve the city not within a county of its obligations to**

6 provide funding under sections including, but not limited to, 86.183, 86.187, 86.344, and
7 86.350.

84.349. 1. No person shall solicit orally, or by letter or otherwise, or shall be in any
2 manner concerned in soliciting, any assessment, contribution, or payment for any political
3 purpose whatsoever from any officer or employee in the service of the police department
4 for such cities or from members of the said police board. No officer, agent, or employee
5 of the police department of such cities shall permit any such solicitation in any building or
6 room occupied for the discharge of the official duties of the said department.

7 2. No officer or employee of said department shall promote, remove, or reduce any
8 other official or employee, or promise or threaten to do so, for withholding or refusing to
9 make any contribution for any political party or purpose or club, or for refusal to render
10 any political service, and shall not directly or indirectly attempt to coerce, command, or
11 advise any other officer or employee to make any such contribution or render any such
12 service. No officer or employee in the service of said department or member of the police
13 board shall use his official authority or influence for the purpose of interfering with any
14 election or any nomination for office, or affecting the result thereof. No officer or employee
15 of such department shall be a member or official of any committee of any political party,
16 or be a ward committeeman or committeewoman, nor shall any such officer or employee
17 solicit any person to vote for or against any candidate for public office, or "poll precincts"
18 or be connected with other political work of similar character on behalf of any political
19 organization, party, or candidate. All such persons shall, however, retain the right to vote
20 as they may choose and to express their opinions on all political subjects and candidates.

21 3. No person or officer or employee of said department shall affix any sign, bumper
22 sticker or other device to any property or vehicle under the control of said department
23 which either supports or opposes any ballot measure or political candidate.

24 4. No question in any examination shall relate to political or religious opinions or
25 affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or
26 removal shall be affected by such opinions or affiliations.

27 5. No person shall make false statement, certification, mark, rating, or report with
28 regard to any tests, certificate, or appointment made under any provision of sections 84.010
29 to 84.350 or in any manner commit or attempt to commit any fraud preventing the
30 impartial execution of this section or any provision thereof.

31 6. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept
32 any money, service, or other valuable consideration for or on account of any appointment,
33 proposed appointment, promotion to, or any advancement in, a position in the service of
34 the police departments of such cities.

35 **7. No person shall defeat, deceive, or obstruct any person in his right to**
36 **examination, eligibility, certification, appointment or promotion under sections 84.010 to**
37 **84.350, or furnish to any person any such secret information for the purpose of affecting**
38 **the right or prospects of any person with respect to employment in the police departments**
39 **of such cities.**

40 **8. Any officer or any employee of the police department of such cities who shall be**
41 **found by the board to have violated any of the provisions of this section shall be discharged**
42 **forthwith from said service. It shall be the duty of the chief of police to prefer charges**
43 **against any such offending person at once. Any member of the board or of the common**
44 **council of such cities may bring suit to restrain payment of compensation to any such**
45 **offending officer or employee and, as an additional remedy, any such member of the board**
46 **or of the common council of such cities may also apply to the circuit court for a writ of**
47 **mandamus to compel the dismissal of such offending officer or employee. Officers or**
48 **employees discharged by such mandamus shall have no right of review before the police**
49 **board. Any person dismissed or convicted under this section shall, for a period of five**
50 **years, be ineligible for appointment to any position in the service of the police department**
51 **of such cities or the municipal government of such cities. Any persons who shall willfully**
52 **or through culpable negligence violate any of the provisions of this section may, upon**
53 **conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five**
54 **hundred dollars, or by imprisonment for a time not exceeding six months, or by both such**
55 **fine and imprisonment.**

56 **9. For purposes of this section the following terms shall mean:**

57 **(1) “Licensed dealer”, a person who is licensed under 18 U.S.C. Section 923 to**
58 **engage in the business of dealing in firearms.**

59 **(2) “Private seller”, a person who sells or offers for sale any firearm, as defined in**
60 **section 571.010, or ammunition.**

61 **(3) “Ammunition”, any cartridge, shell, or projectile designed for use in a firearm.**

62 **(4) “Materially false information”, any information that portrays an illegal**
63 **transaction as legal or a legal transaction as illegal.**

64 **10. Any officer, employee, or representative of said department who knowingly**
65 **solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or**
66 **ammunition to transfer a firearm or ammunition under circumstances which the person**
67 **knows would violate the laws of this state or the United States is guilty of a class D felony.**

68 **11. Any officer, employee, or representative of said department who provides to a**
69 **licensed dealer or private seller of firearms or ammunition what the persons knows to be**

70 **materially false information with intent to deceive the dealer or seller about the legality of**
71 **a transfer of a firearm or ammunition is guilty of a class D felony.**

72 **12. Any officer, employee, or representative of said department who willfully**
73 **procures another to engage in conduct prohibited by this section shall be held accountable**
74 **as a principal.**

Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the
2 **provisions of this act shall be nonseverable, and if any provision is for any reason held to**
3 **be invalid, such decision shall invalidate all of the remaining provisions of this act.**

Section 2. 1. The police department of any city not within a county shall not allow
2 **any officer, employee, liaison, or registered representative to testify or conduct any**
3 **lobbying activities before the general assembly if such officer, employee, liaison, or**
4 **registered representative purports to represent the official policy of the department, or**
5 **commits any act or acts representing himself or herself in any official manner, including**
6 **but not limited to wearing a uniform, stating specific rank and title in the department, or**
7 **providing testimony on official department letterhead. An officer, employee, or liason may,**
8 **in their personal capacity, petition the general assembly for the redress of grievances, and**
9 **communicate opinions on any subject whatsoever.**

10 **2. Any person may enforce this section by bringing an action for monetary damages**
11 **in the amount of ten thousand dollars in any court of competent jurisdiction. If a court**
12 **finds that there has been a violation of this section, then it shall award attorney fees and**
13 **costs to the plaintiff. The state hereby abrogates and waives with regard to the police**
14 **departments regulated by subsection 1 of this section, all types of sovereign, official, and**
15 **absolute immunity, and any other immunity doctrine recognized by common law such that**
16 **the department shall have full liability for a violation of this section.**