

FIRST REGULAR SESSION

HOUSE BILL NO. 1294

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

2439H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 71, RSMo, by adding thereto one new section relating to removal of law enforcement officers.

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

Section A. Chapter 71, RSMo, is amended by adding thereto one new section, to be known as section 71.1000, to read as follows:

71.1000. 1. Any law enforcement officer not subject to removal under section 43.150 or 57.275 shall be subject to removal from office or employment by the governing body of the political subdivision employing the officer if:

(1) The governing body issues a written notice to the officer whose removal is being sought no fewer than ten business days prior to the meeting at which his or her removal will be considered;

(2) The officer has been given written notice as to the governing body's intent to remove him or her. Such notice shall include:

(a) Charges specifying just cause for which removal is sought;

(b) A statement of facts that are alleged to constitute just cause for the officer's removal; and

(c) The date, time, and location of the meeting at which the officer's removal will be considered;

(3) The officer is given an opportunity to be heard before the governing body, together with any witnesses, evidence, and counsel of his or her choosing; and

(4) The governing body, by a simple majority vote, finds just cause for removing the officer.

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.

18 **2. Upon the satisfaction of the removal procedure under subsection 1 of this section,**
19 **the officer shall be immediately removed from office or employment, shall be relieved of**
20 **all duties and responsibilities of such office or employment, and shall be entitled to no**
21 **further compensation or benefits not already earned, accrued, or agreed upon.**

22 **3. Any officer removed under this section shall be issued a written notice of the**
23 **grounds of his or her removal within fourteen calendar days of the removal.**

24 **4. For the purposes of this section, the term “just cause” shall exist when a law**
25 **enforcement officer:**

26 **(1) Is unable to perform his or her duties with reasonable competence or reasonable**
27 **safety as a result of a mental condition, including alcohol or substance abuse;**

28 **(2) Has committed any act, while engaged in the performance of his or her duties,**
29 **that constitutes a reckless disregard for the safety of the public or another law enforcement**
30 **officer;**

31 **(3) Has caused a material fact to be misrepresented for any improper or unlawful**
32 **purpose;**

33 **(4) Acts in a manner for the sole purpose of furthering his or her self-interest or in**
34 **a manner inconsistent with the interests of the public of the governing body;**

35 **(5) Has been found to have violated any law, statute, or ordinance which constitutes**
36 **a felony; or**

37 **(6) Has been deemed insubordinate or found to be in violation of a written**
38 **established policy, unless such claimed insubordination or violation of a written established**
39 **policy was a violation of any federal or state law or local ordinance.**

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