

FIRST REGULAR SESSION

SENATE BILL NO. 569

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

2647S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 43.150, RSMo, and to enact in lieu thereof one new section relating to discipline procedures for the highway patrol, with existing penalty provisions.

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

Section A. Section 43.150, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 43.150,
3 to read as follows:

43.150. 1. After a probation period of one year the
2 members of the patrol shall be subject to removal, reduction
3 in rank or suspension of more than three days only for cause
4 after a formal charge has been filed in writing before or by
5 the superintendent and upon a **[finding] recommendation** by a
6 majority of a board of six members randomly selected from
7 troops or divisions other than that of the accused. The
8 board shall be composed of six unbiased members including
9 one nonvoting captain, one sergeant and four members of the
10 same rank as the accused member. The randomly selected
11 captain shall serve as presiding officer at the hearing.
12 Within thirty days after the petition is filed, unless the
13 accused consents to an extension of time, the board shall
14 conduct a hearing and report to the superintendent the
15 **[finding] recommendation** by the majority of the board,
16 whether the charges are true and **recommend to the**
17 **superintendent** what discipline, if any, should be imposed.
18 All lawful rules, regulations, and orders of the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 superintendent shall be obeyed by the members of the patrol
20 who shall be subject to dismissal [as provided] or to one or
21 more of the following:

- 22 (1) Suspension not to exceed thirty days;
- 23 (2) Fine;
- 24 (3) Reduction in rank; or
- 25 (4) Disciplinary transfer at the member's expense;

26 as the superintendent may [adjudge] **order**. Nothing in this
27 section shall be construed to prevent nondisciplinary
28 transfers of members if the superintendent determines that
29 such transfers are for the good of the patrol. No hearings
30 shall be required in the case of reprimands or suspensions
31 of three days or less which may be imposed at the discretion
32 of the superintendent.

33 2. Subject to the exceptions set forth in subsection
34 3, if a complaint is filed against a member, the member will
35 be provided a copy of the complaint promptly after the
36 complaint is filed by or received by the patrol. Unless the
37 member consents in writing to an earlier time, the member
38 will not be interrogated by the patrol or ordered to respond
39 in writing in connection with the complaint until forty-
40 eight hours after the member has received a copy of the
41 complaint. The member will be entitled to reasonable
42 opportunity to have counsel present during any interrogation
43 related to the complaint. Prior to the superintendent or
44 the patrol making an initial recommendation of discipline,
45 the member shall be entitled to a copy of any investigation
46 reports and any other written or recorded information or
47 other evidence reviewed by the patrol which relates to the
48 complaint; and the member will be afforded an opportunity to
49 present a written response thereto.

50 3. Notwithstanding any provisions in the preceding
51 subsection, the superintendent may postpone notifying the
52 member that a complaint has been filed and may withhold the
53 complaint and part or all of the investigation report and
54 other evidence if the superintendent determines that such
55 disclosures will seriously interfere with the investigation
56 regarding that complaint or any other investigation being
57 conducted by the patrol or will likely jeopardize the health
58 or safety of any person. Nothing in this subsection shall
59 be construed to limit the rights of parties to discovery in
60 civil or criminal litigation.

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