

SECOND REGULAR SESSION

# SENATE BILL NO. 905

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Read 1st time January 16, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4919S.03I

## AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof two new sections relating to a residency requirement for personnel of certain municipal police forces.

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

Section A. Section 84.344, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 71.201 and 84.344, to read as follows:

**71.201. 1. For purposes of this section, the term "local governmental unit" shall mean any city, village, town, county, township, or the board of police established by section 84.020, or the board of police commissioners established by section 84.350.**

**2. (1) No local governmental unit shall require, as a condition of employment, that any currently employed or prospective law enforcement officer must reside within any jurisdictional limit.**

**(2) If a local governmental unit has a residency rule or requirement for law enforcement officers that is in effect on or before August 28, 2020, the residency rule or requirement shall not apply and shall not be enforced.**

**3. A local governmental unit may impose a residency rule or requirement on law enforcement officers, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within a thirty minute response time.**

**4. The provisions of this section shall not apply to the Missouri state highway patrol.**

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after

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

3 July 1, 2013, according to the procedures and requirements of this section. The  
4 purpose of these procedures and requirements is to provide for an orderly and  
5 appropriate transition in the governance of the police force and provide for an  
6 equitable employment transition for commissioned and civilian personnel.

7         2. Upon the establishment of a municipal police force by a city under  
8 sections 84.343 to 84.346, the board of police commissioners shall convey, assign,  
9 and otherwise transfer to the city title and ownership of all indebtedness and  
10 assets, including, but not limited to, all funds and real and personal property held  
11 in the name of or controlled by the board of police commissioners created under  
12 sections 84.010 to 84.340. The board of police commissioners shall execute all  
13 documents reasonably required to accomplish such transfer of ownership and  
14 obligations.

15         3. If the city establishes a municipal police force and completes the  
16 transfer described in subsection 2 of this section, the city shall provide the  
17 necessary funds for the maintenance of the municipal police force.

18         4. Before a city not within a county may establish a municipal police force  
19 under this section, the city shall adopt an ordinance accepting responsibility,  
20 ownership, and liability as successor-in-interest for contractual obligations,  
21 indebtedness, and other lawful obligations of the board of police commissioners  
22 subject to the provisions of subsection 2 of section 84.345.

23         5. A city not within a county that establishes a municipal police force  
24 shall initially employ, without a reduction in rank, salary, or benefits, all  
25 commissioned and civilian personnel of the board of police commissioners created  
26 under sections 84.010 to 84.340 that were employed by the board immediately  
27 prior to the date the municipal police force was established. Such commissioned  
28 personnel who previously were employed by the board may only be involuntarily  
29 terminated by the city not within a county for cause. The city shall also recognize  
30 all accrued years of service that such commissioned and civilian personnel had  
31 with the board of police commissioners. Such personnel shall be entitled to the  
32 same holidays, vacation, and sick leave they were entitled to as employees of the  
33 board of police commissioners.

34         6. Commissioned and civilian personnel [who were previously] employed  
35 by the board shall [continue to] **not** be subject, throughout their employment for  
36 the city not within a county, to a residency [rule no more restrictive than a]  
37 requirement of retaining a primary residence in a city not within a county [for a  
38 total of seven years and of then allowing them to maintain a primary residence

39 outside the city not within a county] so long as the **primary** residence is located  
40 within a one-hour response time.

41           7. The commissioned and civilian personnel who retire from service with  
42 the board of police commissioners before the establishment of a municipal police  
43 force under subsection 1 of this section shall continue to be entitled to the same  
44 pension benefits provided under chapter 86 and the same benefits set forth in  
45 subsection 5 of this section.

46           8. If the city not within a county elects to establish a municipal police  
47 force under this section, the city shall establish a separate division for the  
48 operation of its municipal police force. The civil service commission of the city  
49 may adopt rules and regulations appropriate for the unique operation of a police  
50 department. Such rules and regulations shall reserve exclusive authority over  
51 the disciplinary process and procedures affecting commissioned officers to the  
52 civil service commission; however, until such time as the city adopts such rules  
53 and regulations, the commissioned personnel shall continue to be governed by the  
54 board of police commissioner's rules and regulations in effect immediately prior  
55 to the establishment of the municipal police force, with the police chief acting in  
56 place of the board of police commissioners for purposes of applying the rules and  
57 regulations. Unless otherwise provided for, existing civil service commission  
58 rules and regulations governing the appeal of disciplinary decisions to the civil  
59 service commission shall apply to all commissioned and civilian personnel. The  
60 civil service commission's rules and regulations shall provide that records  
61 prepared for disciplinary purposes shall be confidential, closed records available  
62 solely to the civil service commission and those who possess authority to conduct  
63 investigations regarding disciplinary matters pursuant to the civil service  
64 commission's rules and regulations. A hearing officer shall be appointed by the  
65 civil service commission to hear any such appeals that involve discipline resulting  
66 in a suspension of greater than fifteen days, demotion, or termination, but the  
67 civil service commission shall make the final findings of fact, conclusions of law,  
68 and decision which shall be subject to any right of appeal under chapter 536.

69           9. A city not within a county that establishes and maintains a municipal  
70 police force under this section:

71           (1) Shall provide or contract for life insurance coverage and for insurance  
72 benefits providing health, medical, and disability coverage for commissioned and  
73 civilian personnel of the municipal police force to the same extent as was  
74 provided by the board of police commissioners under section 84.160;

75 (2) Shall provide or contract for medical and life insurance coverage for  
76 any commissioned or civilian personnel who retired from service with the board  
77 of police commissioners or who were employed by the board of police  
78 commissioners and retire from the municipal police force of a city not within a  
79 county to the same extent such medical and life insurance coverage was provided  
80 by the board of police commissioners under section 84.160;

81 (3) Shall make available medical and life insurance coverage for purchase  
82 to the spouses or dependents of commissioned and civilian personnel who retire  
83 from service with the board of police commissioners or the municipal police force  
84 and deceased commissioned and civilian personnel who receive pension benefits  
85 under sections 86.200 to 86.366 at the rate that such dependent's or spouse's  
86 coverage would cost under the appropriate plan if the deceased were living; and

87 (4) May pay an additional shift differential compensation to commissioned  
88 and civilian personnel for evening and night tours of duty in an amount not to  
89 exceed ten percent of the officer's base hourly rate.

90 10. A city not within a county that establishes a municipal police force  
91 under sections 84.343 to 84.346 shall establish a transition committee of five  
92 members for the purpose of: coordinating and implementing the transition of  
93 authority, operations, assets, and obligations from the board of police  
94 commissioners to the city; winding down the affairs of the board; making  
95 nonbinding recommendations for the transition of the police force from the board  
96 to the city; and other related duties, if any, established by executive order of the  
97 city's mayor. Once the ordinance referenced in this section is enacted, the city  
98 shall provide written notice to the board of police commissioners and the governor  
99 of the state of Missouri. Within thirty days of such notice, the mayor shall  
100 appoint three members to the committee, two of whom shall be members of a  
101 statewide law enforcement association that represents at least five thousand law  
102 enforcement officers. The remaining members of the committee shall include the  
103 police chief of the municipal police force and a person who currently or previously  
104 served as a commissioner on the board of police commissioners, who shall be  
105 appointed to the committee by the mayor of such city.

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