

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 38

AN ACT

To repeal sections 590.040 and 590.080, RSMo, and to enact in lieu thereof three new sections relating to peace officer standards.

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

Section A. Sections 590.040 and 590.080, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 590.033, 590.040, and 590.080, to read as follows:

590.033. 1. The POST commission shall establish minimum standards for a chief of police training course which shall include at least forty hours of training. All police chiefs appointed after August 28, 2023, shall attend a chief of police training course certified by the POST commission not later than six months after the person's appointment as a chief of police.

2. A chief of police may request an exemption from the training in subsection 1 of this section by submitting to the POST commission proof of completion of the Federal Bureau of Investigation's national academy course or any other equivalent training course within the previous ten years or at least five years of experience as a police chief in a Missouri law enforcement agency.

3. Any law enforcement agency who has a chief of police appointed after August 28, 2023, that fails to complete a chief of police training course within six months of appointment shall be precluded from receiving any POST commission training funds, state grant funds, or federal

grant funds, until the police chief has completed the training course.

4. While attending a chief of police training course, the chief of police shall receive compensation in the same manner and amount as if carrying out the powers and duties of the chief of police. The cost of the chief of police training course may be paid by moneys from the peace officer standards and training commission fund created in section 590.178.

590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower [than four hundred seventy and no higher] than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect;

(5) Persons serving as a reserve officer on August 27, 2001, within a county of the first classification or a county with a charter form of government and with more than one million inhabitants on August 27, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function

as a reserve peace officer only within such county. For the purposes of this subdivision, the term "reserve officer" shall mean any person who serves in a less than full-time law enforcement capacity, with or without pay and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children;

the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the children's division, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

590.080. 1. As used in this section, the following terms shall mean:

(1) "Gross misconduct", includes any willful and wanton or unlawful conduct motivated by premeditated or intentional purpose or by purposeful indifference to the consequences of one's acts;

(2) "Moral turpitude", the wrongful quality shared by acts of fraud, theft, bribery, illegal drug use, sexual misconduct, and other similar acts as defined by the common law of Missouri;

(3) "Reckless disregard", a conscious disregard of a substantial risk that circumstances exist or that a result will follow, and such failure constitutes a gross deviation from the standard of care that a reasonable peace officer would exercise in the situation.

2. The director shall have cause to discipline any peace officer licensee who:

(1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety [as a result of a mental condition, including alcohol or substance abuse];

(2) Has committed any criminal offense, whether or not a criminal charge has been filed, has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal

prosecution under the laws of any state, or the United States, or of any country, regardless of whether or not sentence is imposed;

(3) Has committed any act [while on active duty or under color of law] that involves moral turpitude or a reckless disregard for the safety of the public or any person;

(4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;

(5) Has violated a condition of any order of probation lawfully issued by the director; [or]

(6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter;

(7) Has tested positive for a controlled substance, as defined in chapter 195, without a valid prescription for the controlled substance;

(8) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or

(9) Has committed any act of gross misconduct indicating inability to function as a peace officer.

[2.] 3. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the

director to determine appropriate discipline when cause exists pursuant to this section.

[3.] 4. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

[4.] 5. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

[5.] 6. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

[6.] 7. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.