Summary of SC99876, *City of St. Louis, et al. v. State of Missouri, et al.*
Appeal from the Cole County circuit court, Judge Jon E. Beetem
Argued and submitted September 27, 2023; opinion issued January 30, 2024

Attorneys: The city was represented by Erin K. McGowan and Rebecca Vossmeyer of the city counselor's office in St. Louis, (314) 622-3361. The state was represented by Jason K. Lewis of the attorney general's office in St. Louis, (573) 751-3321.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: Challengers appeal the circuit court's judgment denying their request for a declaration that a bill violated several provisions of the state constitution. In a 6-0 decision written by Judge Kelly C. Broniec, the Supreme Court of Missouri affirms in part and reverses in part the circuit court's judgment and remands (sends back) the case. The challengers' pleadings are sufficient to allege a Hancock amendment violation such that their claim survives a motion for judgment on the pleadings. The challengers' other claims are without merit.

Facts: As introduced for the 2021 legislative session, Senate Bill No. 26 contained two sections seeking to amend chapter 574, RSMo, to add the offense of unlawful traffic interference and chapter 590, RSMo, to add procedures for imposing discipline on law enforcement officers, known as the "Law Enforcement Officers' Bill of Rights." By the time SB 26 was perfected in the senate, the bill sought to amend or enact seven sections. When the bill emerged from the house of representatives and was finally signed into law, SB 26 contained 88 sections. The city of St. Louis and one of its resident taxpayers (collectively, "the challengers") sued the state requesting declaratory judgment on five state constitutional grounds, alleging SB 26: (1) violates the constitution's original purpose and single-subject requirements; (2) creates an unfunded mandate in violation of the Hancock amendment; (3) violates article VI, section 22 by imposing additional or enlarged duties on officers and employees of a constitutional charter city; (4) violates article III, section 38(a) by requiring St. Louis to provide public funds for private purposes; and (5) violates the rights to equal protection of employees who are not law enforcement officers by creating a due process scheme favoring law enforcement officers. The challengers also requested a declaration that St. Louis' current practices comply with SB 26. The state moved for judgment on the pleadings, alleging it was entitled to judgment as a matter of law because SB 26 does not violate the Missouri Constitution, the challengers lacked standing to bring an unfunded mandate claim, and the challengers' request for declaratory judgment regarding St. Louis' compliance with SB 26 under its current charter was not justiciable (able to be decided by a court). The circuit court sustained the state's motion for judgment on the pleadings. The challengers appeal.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Court en banc holds: (1) The challengers have standing (legal ability to sue) to challenge SB 26 on grounds it violates the Hancock amendment (article X, sections 16 and 21). Any taxpayer of

the state, county or other political subdivision has standing to sue to enforce the provisions of the Hancock amendment. Additionally, government entities and taxpayers can bring Hancock challenges as co-plaintiffs so long as the taxpayer has standing. The fact that the resident taxpayer is represented by the city's counsel does not affect her standing.

(2) The challengers sufficiently pleaded a Hancock amendment violation to survive a motion for judgment on the pleadings. They alleged the city has expended or will expend taxpayer funds to defend, represent and indemnify law enforcement officers as required under SB 26. The challengers also alleged, to the extent the city in fact budgeted funds to pay judgments against individual police officer employees, SB 26 will result in a substantial increase in such budgeted funds over and above the level of funding as of the date the Hancock amendment was adopted. The challengers further alleged they will incur additional costs to take depositions, implement deadlines and provide evidence and information to law enforcement officers prior to their disciplinary hearings. Accepting these pleaded facts as true, the challengers have sufficiently alleged increased costs for purposes of the Hancock amendment.

(3) The challengers' Hancock amendment claim is ripe (ready to be decided in court). They alleged the specific actions the city would have to undertake to comply with SB 26 without additional appropriations. Whether sufficient evidence can support these ultimate facts is yet to be determined, but the challenger's pleadings are sufficient at this stage of litigation.

(4) SB 26 does not violate the state constitution's original purpose requirement, which prohibits any bill from being so amended in its passage through either house as to change its original purpose. Looking to the constitution, SB 26's original purpose was to enact laws to protect and safeguard the lives of Missouri citizens. Each of SB 26's provisions, as enacted into law, sufficiently relates to this purpose.

(5) SB 26 does not affix additional duties on charter city officials and, therefore, does not violate article VI, section 22. SB 26 neither creates a municipal office or employment, nor fixes the powers, duties or compensation of a municipal office or employment. Rather, SB 26 places limitations and procedures upon the exercise of powers by the municipalities' governing bodies by creating a baseline procedure for a law enforcement officer's administrative investigation, which is permitted under the constitution.

(6) SB 26 does not improperly grant public funds to private persons for a primarily private purpose in violation of article III, section 38(a). There is no constitutional violation when the grant serves a public purpose. The legal defense of law enforcement officers required under SB 26 serves a public purpose in that it makes employment as a police officer a little less risky and prevents current and prospective law enforcement officers from leaving or being deterred from a career in law enforcement for fear of shouldering the responsibility of potential litigation.

(7) SB 26 does not violate the state constitution's equal protection clause. The threshold requirement triggering an equal protection analysis is evidence that the challenging party is similarly situated to those who they allege receive different treatment, which requires proof that the two classes were similarly situated in all relevant aspects. Law enforcement officers and other city employees, including correctional officers, are not similarly situated.