

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 685
95TH GENERAL ASSEMBLY

1707L.02T

2009

AN ACT

To repeal section 43.200, RSMo, and to enact in lieu thereof one new section relating to serving search warrants for certain traffic-related offenses.

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

Section A. Section 43.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 43.200, to read as follows:

43.200. 1. The members of the patrol shall have the right and power of search and seizure to take from any person under arrest or about to be arrested deadly or dangerous weapons in the possession of such person, and to search and seize on a public highway of this state, or off the public highways of this state as an incident to an arrest made following a hot pursuit from a public highway.

2. When ordered to any county or municipality in this state by the governor because of civil disorder, members of the patrol during that time may exercise all powers of search and seizure in the same manner and to the same extent as any sheriff in this state.

3. The members of the highway patrol may request that the prosecuting or circuit attorney apply for, and members of the highway patrol may serve, search warrants anywhere within the state of Missouri, provided the sheriff of the county in which the warrant is to be served, or his designee, shall be notified upon application by the applicant of the search warrant **except for offenses pertaining to driving while intoxicated**. The sheriff or his **or her** designee shall participate in serving the search warrant **except for offenses pertaining to driving while intoxicated and the investigation of motor vehicle traffic accidents**. Any designee of the

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.

16 sheriff shall be a deputy sheriff or other person certified as a peace officer under chapter 590,
17 RSMo. The sheriff shall always have a designee available.

18 4. The superintendent of the highway patrol shall see that every member of the highway
19 patrol is thoroughly instructed in the powers of police officers to arrest for misdemeanors and
20 felonies and to search and seize in order that no person or citizen traveling in this state shall be
21 hindered, stopped, or arrested or his person or property searched or seized without constitutional
22 grounds existing therefor.

✓