

HCS SB 73 -- JUDICIAL PROCEDURES

SPONSOR: Schaefer (Cornejo)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 5 TO 4.

This substitute authorizes a DWI court to utilize a court-approved private probation and parole service when the Division of Probation and Parole within the Department of Corrections is unavailable to assist in the judicial supervision of a person who wishes to enter a DWI court. If a private service is used, any and all additional necessary costs may be assessed against the participant. No person can be rejected from participating in DWI court because he or she does not reside in the city or county where the applicable DWI court is located.

The substitute prohibits a law enforcement agency from establishing a roadside checkpoint or roadblock pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints or compliance with any seatbelt law or ordinance. A law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles. These provisions must not be construed to restrict any other type of checkpoint or roadblock that is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.

PROPOSERS: Supporters say that roadside checkpoints are being conducted solely to check motorcycles. The bill prohibits these checkpoints.

Testifying for the bill were Representative Cornejo for Senator Schaefer; Katherine Fox, Freedom of Roadriders; ACLU - Eastern Missouri; and Edward Sheppard, American Motorcyclist Association.

OPPOSERS: There was no opposition voiced to the committee.