

FIRST REGULAR SESSION

HOUSE BILL NO. 973

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLINGTON.

2074L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend Chapter 542, RSMo, by adding thereto one new section relating to written consent to search vehicles.

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

Section A. Chapter 542, RSMo, is amended by adding thereto one new section, to be
2 known as section 542.292, to read as follows:

**542.292. 1. Before conducting a consensual search of a vehicle, a peace officer shall
2 obtain written consent from the person with the authority to provide permission to search
3 the vehicle.**

**4 2. If the person with the authority to provide permission to search the vehicle
5 consents, such person shall sign a form, which shall include the following information:**

6 (1) The date and location of the stop;

**7 (2) The name and identification number of the peace officer making the request for
8 consent to search;**

**9 (3) The names and identification numbers of any additional peace officers who
10 actively participate in the discussion with the driver or passenger or passengers concerning
11 the request for consent to search;**

**12 (4) A statement informing the driver or other person authorized to give consent of
13 the right to refuse to grant consent to search, and that if the driver or other person
14 authorized to give consent grants consent, the driver or other person authorized to give
15 consent at any time for any reason may withdraw consent to search;**

**16 (5) A statement informing the driver or other person authorized to give consent of
17 the right to be present during the search at a location consistent with the safety of both 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.

18 peace officer and the motor vehicle occupant or occupants which may be knowingly
19 waived;

20 (6) Check-off boxes to indicate whether consent has been granted, and if consent
21 is granted, the driver or other person authorized to give consent shall check the
22 appropriate box and sign and date the form; and

23 (7) If the driver or other person authorized to give consent refuses consent, the
24 peace officer or the driver or other person authorized to give consent shall so note on the
25 form and the driver or other person authorized to give consent shall not be required to sign
26 the form.

27 3. This section shall not apply to a search of a vehicle conducted by a peace officer
28 who has probable cause, a search incident to or subsequent to a lawful arrest, or a search
29 for which there is a legal basis other than consent.

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