

SECOND REGULAR SESSION

SENATE BILL NO. 776

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Read 1st time January 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5112S.011

AN ACT

To amend chapter 544, RSMo, by adding thereto three new sections relating to required procedures for the service of warrants, with penalty provisions.

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

Section A. Chapter 544, RSMo, is amended by adding thereto three new sections, to be known as sections 544.085, 544.086, and 1, to read as follows:

544.085. 1. For any warrant that is issued by a United States court that is to be served within the boundaries of the state of Missouri, the federal agent or employee responsible for serving the warrant shall, prior to such service, notify the sheriff of the county where the warrant is to be served and proceed with the service of the warrant only if accompanied by the sheriff or the sheriff's designee.

2. When a federal agent or employee believes that a sheriff or a member of the sheriff's staff has a conflict of interest, then the federal agent or employee may file a petition supported by an affidavit detailing a reasonable suspicion of such conflict of interest with a circuit judge within the respective county's judicial district requesting a waiver of the requirement to provide notice to the sheriff. If a waiver is granted, the circuit judge shall designate a substitute for the sheriff or the sheriff's designee.

3. The sheriff or the sheriff's designee shall check the warrant and process to protect the rights of any person who is directly affected by the warrant and make a complete and permanent report on this incident.

4. Serving a federal warrant without meeting the conditions set forth in this section is a class A misdemeanor.

544.086. 1. Prior to serving any warrant in the state of Missouri,

2 all state law enforcement agencies shall notify the sheriff of the county
3 in which the warrant is to be served and proceed with the service of
4 the warrant only if accompanied by the sheriff or the sheriff's designee.

5 2. When a state law enforcement agency believes that a sheriff
6 or a member of the sheriff's staff has a conflict of interest, then the
7 state law enforcement agency may file an affidavit detailing reasonable
8 suspicion of such conflict of interest with a circuit judge within the
9 respective county's judicial district requesting a waiver of the
10 requirement to provide notice to the sheriff. If a waiver is granted, the
11 circuit judge shall designate a substitute for the sheriff or the sheriff's
12 designee.

13 3. The sheriff or the sheriff's designee shall check the warrant
14 and process to protect the rights of any person who is directly affected
15 by the warrant and make a complete and permanent report on this
16 incident.

17 4. Serving a warrant without meeting the conditions set forth in
18 this section is a class A misdemeanor.

Section 1. If any provision of sections 544.085 and 544.086 of this
2 act or the application thereof to anyone or to any circumstance is held
3 invalid, the remainder of those sections and the application of such
4 provisions to others or other circumstances shall not be affected
5 thereby.

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