

SECOND REGULAR SESSION

# SENATE BILL NO. 797

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Read 1st time January 29, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5473S.011

## AN ACT

To repeal section 304.152, RSMo, and to enact in lieu thereof one new section relating to voluntary roadside checkpoints.

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

Section A. Section 304.152, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 304.152, to read as follows:

304.152. 1. Notwithstanding any provision of the law to the contrary, no  
2 law enforcement agency may establish a roadside checkpoint or roadblock pattern  
3 based upon a particular vehicle type, including the establishment of  
4 motorcycle-only checkpoints.

5 2. Notwithstanding subsection 1 of this section, a law enforcement agency  
6 may establish a roadside checkpoint pattern that only stops and checks  
7 commercial motor vehicles, as defined in section 301.010.

8 3. **Notwithstanding any provision of the law to the contrary, no**  
9 **law enforcement agency or employee of the national highway traffic**  
10 **safety administration may establish a voluntary roadside checkpoint or**  
11 **roadblock pattern to collect breath, blood, or saliva samples from**  
12 **motorists. The provisions of this subsection do not apply to lawfully**  
13 **established roadside sobriety checkpoints.**

14 4. The provisions of this section shall not be construed to restrict any  
15 other type of checkpoint or roadblock which is lawful and is established and  
16 operated in accordance with the provisions of the United States Constitution and  
17 the Constitution of Missouri.

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