

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 932

94TH GENERAL ASSEMBLY

2008

3601L.03T

AN ACT

To repeal sections 542.276, 590.050 and 650.120, RSMo, and to enact in lieu thereof three new sections relating to Internet sex crimes investigation grant program.

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

Section A. Sections 542.276, 590.050 and 650.120, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 542.276,
3 590.050 and 650.120, to read as follows:

542.276. 1. Any peace officer or prosecuting attorney may make
2 application under section 542.271 for the issuance of a search warrant.

3 2. The application shall:

4 (1) Be in writing;

5 (2) State the time and date of the making of the application;

6 (3) Identify the property, article, material, substance or person which is
7 to be searched for and seized, in sufficient detail and particularity that the officer
8 executing the warrant can readily ascertain it;

9 (4) Identify the person, place, or thing which is to be searched, in
10 sufficient detail and particularity that the officer executing the warrant can
11 readily ascertain whom or what he or she is to search;

12 (5) State facts sufficient to show probable cause for the issuance of a
13 search warrant;

14 (6) Be verified by the oath or affirmation of the applicant;

15 (7) Be filed in the proper court;

16 (8) Be signed by the prosecuting attorney of the county where the search
17 is to take place, or his or her designated assistant.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 3. The application may be supplemented by a written affidavit verified by
19 oath or affirmation. Such affidavit shall be considered in determining whether
20 there is probable cause for the issuance of a search warrant and in filling out any
21 deficiencies in the description of the person, place, or thing to be searched or of
22 the property, article, material, substance, or person to be seized. Oral testimony
23 shall not be considered. The application may be submitted by facsimile or other
24 electronic means.

25 4. The judge shall determine whether sufficient facts have been stated to
26 justify the issuance of a search warrant. If it appears from the application and
27 any supporting affidavit that there is probable cause to believe that property,
28 article, material, substance, or person subject to seizure is on the person or at the
29 place or in the thing described, a search warrant shall immediately be
30 issued. The warrant shall be issued in the form of an original and two copies.

31 5. The application and any supporting affidavit and a copy of the warrant
32 shall be retained in the records of the court from which the warrant was issued.

33 6. The search warrant shall:

34 (1) Be in writing and in the name of the state of Missouri;

35 (2) Be directed to any peace officer in the state;

36 (3) State the time and date the warrant is issued;

37 (4) Identify the property, article, material, substance or person which is
38 to be searched for and seized, in sufficient detail and particularity that the officer
39 executing the warrant can readily ascertain it;

40 (5) Identify the person, place, or thing which is to be searched, in
41 sufficient detail and particularity that the officer executing the warrant can
42 readily ascertain whom or what he or she is to search;

43 (6) Command that the described person, place, or thing be searched and
44 that any of the described property, article, material, substance, or person found
45 thereon or therein be seized or photographed or copied and within ten days after
46 filing of the application, any photographs or copies of the items may be filed with
47 the issuing court;

48 (7) Be signed by the judge, with his or her title of office indicated.

49 7. A search warrant issued under this section may be executed only by a
50 peace officer. The warrant shall be executed by conducting the search and
51 seizure commanded. The search warrant issued under this section may be issued
52 by facsimile or other electronic means.

53 8. A search warrant shall be executed as soon as practicable and shall

54 expire if it is not executed and the return made within ten days after the date of
55 the making of the application. **A search and any subsequent searches of**
56 **the contents of any property, article, material, or substance seized and**
57 **removed from the location of the execution of any search warrant**
58 **during its execution may be conducted at any time during or after the**
59 **execution of the warrant, subject to the continued existence of probable**
60 **cause to search the property, article, material, or substance seized and**
61 **removed. A search and any subsequent searches of the property,**
62 **article, material, or substance seized and removed may be conducted**
63 **after the time for delivering the warrant, return, and receipt to the**
64 **issuing judge has expired. A supplemental return and receipt shall be**
65 **delivered to the issuing judge upon final completion of any search**
66 **which concludes after the expiration of time for delivering the original**
67 **return and receipt.**

68 9. After execution of the search warrant, the warrant with a return
69 thereon, signed by the officer making the search, shall be delivered to the judge
70 who issued the warrant. The return shall show the date and manner of
71 execution, what was seized, and the name of the possessor and of the owner,
72 when he or she is not the same person, if known. The return shall be
73 accompanied by a copy of the itemized receipt required by subsection 6 of section
74 542.291. The judge or clerk shall, upon request, deliver a copy of such receipt to
75 the person from whose possession the property was taken and to the applicant for
76 the warrant.

77 10. A search warrant shall be deemed invalid:

78 (1) If it was not issued by a judge; or

79 (2) If it was issued without a written application having been filed and
80 verified; or

81 (3) If it was issued without probable cause; or

82 (4) If it was not issued in the proper county; or

83 (5) If it does not describe the person, place, or thing to be searched or the
84 property, article, material, substance, or person to be seized with sufficient
85 certainty; or

86 (6) If it is not signed by the judge who issued it; or

87 (7) If it was not executed within the time prescribed by subsection 8 of
88 this section.

590.050. 1. The POST commission shall establish requirements for the

2 continuing education of all peace officers. Peace officers who make traffic stops
3 shall be required to receive [annual training] **three hours of training within**
4 **the law enforcement continuing education three-year reporting period**
5 concerning the prohibition against racial profiling and such training shall
6 promote understanding and respect for racial and cultural differences and the use
7 of effective, noncombative methods for carrying out law enforcement duties in a
8 racially and culturally diverse environment.

9 2. The director shall license continuing education providers and may
10 probate, suspend and revoke such licenses upon written notice stating the reasons
11 for such action. Any person aggrieved by a decision of the director pursuant to
12 this subsection may appeal as provided in chapter 536, RSMo.

13 3. The costs of continuing law enforcement education shall be reimbursed
14 in part by moneys from the peace officer standards and training commission fund
15 created in section 590.178, subject to availability of funds, except that no such
16 funds shall be used for the training of any person not actively commissioned or
17 employed by a county or municipal law enforcement agency.

18 4. The director may engage in any activity intended to further the
19 professionalism of peace officers through training and education, including the
20 provision of specialized training through the department of public safety.

650.120. 1. **There is hereby created in the state treasury the**
2 **"Cyber Crime Investigation Fund". The treasurer shall be custodian of**
3 **the fund and may approve disbursements from the fund in accordance**
4 **with sections 30.170 and 30.180, RSMo. Beginning with the 2010 fiscal**
5 **year and in each subsequent fiscal year, the general assembly shall**
6 **appropriate three million dollars to the cyber crime investigation**
7 **fund. The department of public safety shall be the administrator of the**
8 **fund. Moneys in the fund shall be used solely for the administration of**
9 **the grant program established under this section. Notwithstanding the**
10 **provisions of section 33.080, RSMo, to the contrary, any moneys**
11 **remaining in the fund at the end of the biennium shall not revert to the**
12 **credit of the general revenue fund. The state treasurer shall invest**
13 **moneys in the fund in the same manner as other funds are**
14 **invested. Any interest and moneys earned on such investments shall be**
15 **credited to the fund.**

16 2. Subject to appropriation, the department of public safety shall create
17 a program to distribute grants to multijurisdictional Internet cyber crime law

18 enforcement task forces, multijurisdictional enforcement groups, as defined in
19 section 195.503, RSMo, that are investigating Internet sex crimes against
20 children, and other law enforcement agencies. **The program shall be funded**
21 **by the cyber crime investigation fund created under subsection 1 of**
22 **this section.** Not more than three percent of the money [appropriated] in the
23 **fund** may be used by the department to pay the administrative costs of the grant
24 program. The grants shall be awarded and used to pay the salaries of detectives
25 and computer forensic personnel whose focus is investigating Internet sex crimes
26 against children, including but not limited to enticement of a child, possession or
27 promotion of child pornography, provide funding for the training of law
28 enforcement personnel **and prosecuting and circuit attorneys as well as**
29 **their assistant prosecuting and circuit attorneys**, and purchase necessary
30 equipment, supplies, and services. The funding for such training may be used to
31 cover the travel expenses of those persons participating.

32 [2.] **3.** A panel is hereby established in the department of public safety
33 to award grants under this program and shall be comprised of the following
34 members:

35 (1) The director of the department of public safety, or his or her designee;

36 (2) Two members shall be appointed by the director of the department of
37 public safety from a list of six nominees submitted by the Missouri Police Chiefs
38 Association;

39 (3) Two members shall be appointed by the director of the department of
40 public safety from a list of six nominees submitted by the Missouri Sheriffs'
41 Association;

42 (4) Two members of the state highway patrol shall be appointed by the
43 director of the department of public safety from a list of six nominees submitted
44 by the Missouri State Troopers Association;

45 (5) One member of the house of representatives who shall be appointed
46 by the speaker of the house of representatives; and

47 (6) One member of the senate who shall be appointed by the president pro
48 tem.

49 The panel members who are appointed under subdivisions (2), (3), and (4) of this
50 subsection shall serve a four-year term ending four years from the date of
51 expiration of the term for which his or her predecessor was appointed. However,
52 a person appointed to fill a vacancy prior to the expiration of such a term shall
53 be appointed for the remainder of the term. Such members shall hold office for

54 the term of his or her appointment and until a successor is appointed. The
55 members of the panel shall receive no additional compensation but shall be
56 eligible for reimbursement for mileage directly related to the performance of
57 panel duties.

58 [3.] 4. Local matching amounts, which may include new or existing funds
59 or in-kind resources including but not limited to equipment or personnel, are
60 required for multijurisdictional Internet cyber crime law enforcement task forces
61 and other law enforcement agencies to receive grants awarded by the panel. Such
62 amounts shall be determined by the state appropriations process or by the panel.

63 [4.] 5. When awarding grants, priority should be given to newly hired
64 detectives and computer forensic personnel.

65 [5.] 6. The panel shall establish minimum training standards for
66 detectives and computer forensic personnel participating in the grant program
67 established in subsection 1 of this section.

68 [6.] 7. Multijurisdictional Internet cyber crime law enforcement task
69 forces and other law enforcement agencies participating in the grant program
70 established in subsection [1] 2 of this section shall share information and
71 cooperate with the highway patrol and with existing Internet crimes against
72 children task force programs.

73 [7.] 8. The panel may make recommendations to the general assembly
74 regarding the need for additional resources or appropriations.

75 [8.] 9. The power of arrest of any peace officer who is duly authorized as
76 a member of a multijurisdictional Internet cyber crime law enforcement task force
77 shall only be exercised during the time such peace officer is an active member of
78 such task force and only within the scope of the investigation on which the task
79 force is working. Notwithstanding other provisions of law to the contrary, such
80 task force officer shall have the power of arrest, as limited in this subsection,
81 anywhere in the state and shall provide prior notification to the chief of police of
82 a municipality or the sheriff of the county in which the arrest is to take place. If
83 exigent circumstances exist, such arrest may be made and notification shall be
84 made to the chief of police or sheriff as appropriate and as soon as practical. The
85 chief of police or sheriff may elect to work with the multijurisdictional Internet
86 cyber crime law enforcement task force at his or her option when such task force
87 is operating within the jurisdiction of such chief of police or sheriff.

88 [9.] 10. Under section 23.253, RSMo, of the Missouri sunset act:

89 (1) The provisions of the new program authorized under this section shall

90 sunset automatically six years after June 5, 2006, unless reauthorized by an act
91 of the general assembly; and

92 (2) If such program is reauthorized, the program authorized under this
93 section shall sunset automatically twelve years after the effective date of the
94 reauthorization of this section; and

95 (3) This section shall terminate on September first of the calendar year
96 immediately following the calendar year in which the program authorized under
97 this section is sunset.

Unofficial ✓

Bill

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