

FIRST REGULAR SESSION

SENATE BILL NO. 301

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 3, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1281S.01I

AN ACT

To amend chapter 650, RSMo, by adding thereto seven new sections relating to law enforcement canine team certification.

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

Section A. Chapter 650, RSMo, is amended by adding thereto seven new sections, to be known as sections 650.600, 650.602, 650.604, 650.606, 650.608, 650.610, and 650.612, to read as follows:

650.600. As used in sections 650.600 to 650.612, the following terms shall mean:

(1) "Canine handler", a certified law enforcement officer authorized and designated by a law enforcement agency to utilize a police service dog to perform law enforcement duties;

(2) "Canine judge", any individual or law enforcement officer who is a master trainer or trainer in accordance with the standards of NAPWDA, MPCA, or USPCA, and is authorized by NAPWDA, MPCA, or USPCA to conduct testing and certification testing of canine teams;

(3) "Canine team", a police service dog and a certified law enforcement officer as the dog's exclusive handler;

(4) "Department", the department of public safety;

(5) "Law enforcement agency", any state, county, or municipal law enforcement agency in this state. "Law enforcement agency" shall not include the Missouri department of corrections, any agency of a political subdivision of this state which utilizes canines exclusively in jails or prisons, any state, county, or municipal fire department, or any federal agency;

(6) "MPCA", the Missouri Police Canine Association;

(7) "NAPWDA", the North American Police Work Dog Association;

21 (8) "Police service dog", a canine used by a law enforcement
22 agency to assist a law enforcement officer;

23 (9) "USPCA", the United States Police Canine Association.

650.602. 1. Beginning July 1, 2010, no state, county, or municipal
2 law enforcement agency or law enforcement officer shall use a canine
3 to perform or assist in the performance of any law enforcement
4 specialties set forth in subsection 3 of this section unless the canine
5 team is certified by an association approved by the department of
6 public safety as a canine team.

7 2. The department shall by rule establish standards and criteria
8 for canine certification and recertification. Such standards and
9 criteria shall include, but not be limited to, testing in the following four
10 areas:

11 (1) Obedience, in accordance with the NAPWDA, MPCA, or
12 USPCA standards;

13 (2) Aggression, in accordance with the NAPWDA, MPCA, or
14 USPCA standards;

15 (3) Narcotics detection, in accordance with the NAPWDA, MPCA,
16 or USPCA standards; and

17 (4) Explosives detection, in accordance with the NAPWDA,
18 MPCA, or USPCA standards.

19 3. Each law enforcement canine team in this state shall be
20 initially certified and annually recertified in one or more of the
21 following specialties:

22 (1) The detection of the odors of drugs and controlled
23 substances, including but not limited to marijuana and its derivatives,
24 cocaine, heroin, and methamphetamine, or any other illegal narcotics;

25 (2) The detection of the odors of explosive materials, explosive
26 devices, and materials which can be used to construct an explosive
27 device;

28 (3) The detection of odors of any other substances or materials
29 which can be used with criminal intent;

30 (4) Apprehension or search skills, including but not limited to
31 tracking, building suspect search, article recovery, evidence search;
32 and

33 (5) Suspect apprehension.

34 4. A canine team shall be certified only upon passage of an

35 evaluation conducted by an authorized canine judge.

650.604. 1. Unless renewed, certification as a canine team shall
2 expire one year after the date of issuance.

3 2. A canine team may renew its certification by satisfying the
4 requirements for certification and passing a recertification evaluation
5 prescribed and administered by an authorized canine judge.

650.606. The appropriate law enforcement agency shall maintain
2 canine team certification and recertification evaluations filed by canine
3 judges. Such documents shall be provided to the department upon
4 request.

650.608. 1. A canine team failing an evaluation required by
2 sections 650.600 to 650.612 may, after thirty days, repeat the evaluation.
3 A law enforcement agency shall not use a canine team to perform any
4 of the specialties set forth in subsection 3 of section 650.602 while the
5 canine team is waiting to repeat a failed examination.

6 2. The department shall not impose a fee for certification or
7 recertification of a canine team, or to retake an evaluation.

650.610. The department may revoke or suspend the certification
2 of any canine team or authorization of any canine judge if the canine
3 team or canine judge violates any state law or rule of the department.
4 In addition, the department may revoke or suspend the certification of
5 any canine team if the team fails to maintain compliance with the
6 standards set forth by the NAPWDA, MPCA, or USPCA.

650.612. The department shall promulgate rules to implement the
2 provisions of sections 650.600 to 650.612. Any rule or portion of a rule,
3 as that term is defined in section 536.010, RSMo, that is created under
4 the authority delegated in sections 650.600 to 650.612 shall become
5 effective only if it complies with and is subject to all of the provisions
6 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
7 section and chapter 536, RSMo, are nonseverable and if any of the
8 powers vested with the general assembly pursuant to chapter 536,
9 RSMo, to review, to delay the effective date, or to disapprove and annul
10 a rule are subsequently held unconstitutional, then the grant of
11 rulemaking authority and any rule proposed or adopted after August
12 28, 2009, shall be invalid and void.