

FIRST REGULAR SESSION

SENATE BILL NO. 449

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

1955S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 252.100, RSMo, and to enact in lieu thereof one new section relating to searches and seizures by certain law enforcement officers, with an existing penalty provision.

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

Section A. Section 252.100, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 252.100,
3 to read as follows:

252.100. 1. Any authorized agent of the commission,
2 sheriff, marshal or their deputies, may make complaint and
3 cause proceedings to be commenced against any person for the
4 violation of this law or of any such rules and regulation
5 and such officer shall not be obligated to furnish security
6 for costs.

7 2. He may search, without warrant, any creel,
8 container, gamebag, hunting coat, or boat in which he has
9 reason to believe wildlife is unlawfully possessed or
10 concealed; and at any and all times may seize any wildlife
11 in the possession or control of any person violating or who
12 there is good reason to believe has violated this law or any
13 of the rules or regulations of the commission; provided,
14 however, that he shall first obtain a search warrant to
15 enter and search an occupied dwelling and outbuildings
16 immediately adjacent thereto, **the property of a landowner**
17 **who fenced or posted a "no trespassing" sign on the property**
18 **or, by some other means, indicated unmistakably that entry**

19 **is not permitted,** cold storage locker plant, motor vehicle,
20 or sealed freight or express car for such purposes and then
21 only in the daytime, and in the search of a cold storage
22 locker plant every precaution shall be exercised to prevent
23 contamination of foods stored therein. Any circuit judge,
24 or associate circuit judge having jurisdiction, shall issue
25 to such agent, sheriff, or marshal, a search warrant upon
26 his complaint being made on oath in writing that the affiant
27 has reasonable and probable cause to believe that wildlife
28 is possessed or concealed in such occupied dwellings and
29 outbuildings immediately adjacent thereto, cold storage
30 locker plant, motor vehicle, or sealed freight or express
31 car contrary to this law or to any such rules and
32 regulations.

33 3. Any person who shall resist such search or
34 interfere with such agent or officer in the execution of a
35 search warrant shall be deemed guilty of a misdemeanor.

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