

SENATE BILL NO. 1181

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

4468S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 570 and 589, RSMo, by adding thereto seven new sections relating to automobile theft, with penalty provisions.

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

Section A. Chapters 570 and 589, RSMo, are amended by
2 adding thereto seven new sections, to be known as sections
3 570.097, 589.220, 589.222, 589.224, 589.225, 589.226, and
4 589.227, to read as follows:

570.097. 1. As used in this section, the following
2 terms mean:

3 (1) "Motor vehicle key programming or emulating
4 device", any device, computer program, application, or
5 software designed or used to electronically communicate with
6 a motor vehicle for the purpose of programming or emulating
7 a motor vehicle key fob that is capable of being used to
8 unlock or start the motor vehicle;

9 (2) "Relay attack device", any device, computer
10 program, application, or software designed or used to
11 intercept the signal from the key fob of a motor vehicle to
12 unlock or start the motor vehicle.

13 2. Except as provided in subsection 3 of this section,
14 no person shall knowingly manufacture, sell, offer to sell,
15 transfer, or possess a motor vehicle key programming or
16 emulating device or a relay attack device, or aid or permit

17 another to use a motor vehicle key programming or emulating
18 device or relay attack device.

19 3. This section shall not apply to the manufacturing,
20 sale, offering to sell, transfer, possession, or use of a
21 motor vehicle key programming or emulating device or relay
22 attack device for a lawful and reasonable purpose by or to:

23 (1) A law enforcement officer;

24 (2) An employee of the National Insurance Crime
25 Bureau; or

26 (3) An employee of any licensed dealer, distributor,
27 or manufacturer of motor vehicles or motor vehicle locks;
28 motor vehicle mechanic shop; locksmith company; or
29 repossession agency.

30 4. Any person authorized to possess a motor vehicle
31 key programming or emulating device or relay attack device
32 shall report a lost or stolen device within forty-eight
33 hours of becoming aware the device was lost or stolen to a
34 law enforcement agency within the jurisdiction in which the
35 device is known or thought to be lost or stolen.

36 5. Any person convicted of a violation of subsection 2
37 of this section shall be guilty of a class D felony.

38 6. Any person who fails to report a lost or stolen
39 device as required under subsection 4 of this section shall
40 be guilty of a class A misdemeanor.

41 7. The provisions of this section are severable. If
42 any section or provision of this section is declared invalid
43 or unconstitutional, the remainder of this section shall
44 remain in force.

589.220. Sections 589.220 to 589.226 shall be known
2 and may be cited as the "Motor Vehicle Theft Prevention
3 Commission Act".

589.222. 1. There is hereby created within the
2 department of public safety the "Motor Vehicle Theft
3 Prevention Program". Under the program, law enforcement
4 agencies or other qualified applicants may apply for grants
5 to assist in improving and supporting motor vehicle theft
6 prevention programs or programs for the enforcement of
7 prosecution of motor vehicle theft crimes through statewide
8 planning and coordination.

9 2. Matters relating to the supervision, authority, and
10 control over the motor vehicle theft prevention program
11 shall be at the discretion of the "Motor Vehicle Theft
12 Prevention Commission", which is hereby established. Any
13 allocation of moneys by the commission under sections
14 589.220 to 589.227, including grants awarded under section
15 589.224, shall receive approval from the director of the
16 department of public safety prior to any such allocation.

17 3. The commission shall consist of twelve members,
18 composed of the following:

19 (1) The superintendent of the Missouri state highway
20 patrol or his or her designee;

21 (2) The director of the department of commerce and
22 insurance or his or her designee;

23 (3) The director of the department of revenue or his
24 or her designee;

25 (4) The attorney general or his or her designee;

26 (5) The following persons, appointed by the governor:

27 (a) A county sheriff;

28 (b) A municipal police chief;

29 (c) A county prosecuting attorney;

30 (d) A representative from a motor vehicle manufacturer
31 doing business in Missouri;

32 (e) A representative from an insurance company
33 authorized to issue motor vehicle coverage in Missouri;

34 (f) A representative from the motor vehicle rental
35 industry;

36 (g) A licensed new or used motor vehicle dealer; and

37 (h) A representative from the National Insurance Crime
38 Bureau.

39 4. The commission shall elect annually from its
40 membership a chair and a vice chair. A quorum shall consist
41 of a majority of appointed members, but not less than seven
42 members, and may be met by electronic attendance.

43 5. The term of office for each member of the
44 commission who is appointed by the governor shall be four
45 years, except that of the initial appointments, three
46 members shall be appointed for a term of two years and four
47 members shall be appointed for a term of four years. Any
48 member appointed by the governor may be removed from office
49 by the governor without cause. Before the expiration of the
50 term of a member appointed by the governor, the governor
51 shall appoint a successor whose term begins on July first
52 next following. A member is eligible for reappointment. If
53 there is a vacancy for any cause, the governor shall make an
54 appointment to become effective immediately for the
55 unexpired term.

56 6. (1) The state highway patrol shall provide to the
57 commission all administration, management, and organization
58 of the commission's activities and grant programs. Subject
59 to available moneys, the commission may appoint a director,
60 who may employ such staff as may be necessary to operate and
61 administer the program.

62 (2) No more than eight percent of the moneys in the
63 fund created under section 589.226 shall be used for
64 operational or administrative expenses of the program.

65 (3) The FTE authorization for any staff necessary to
66 support the program shall be eliminated if sufficient moneys
67 from gifts, grants, or donations are no longer available for
68 the program.

69 7. Members of the commission shall serve without
70 compensation, except that they shall be reimbursed for their
71 reasonable and necessary expenses incurred in the
72 performance of their duties.

589.224. 1. The commission shall:

2 (1) Establish a grant program for the provision of
3 funds to local law enforcement agencies and multi-
4 jurisdiction task forces for the following:

5 (a) Prevention, reduction, and investigation of motor
6 vehicle and motor vehicle parts theft;

7 (b) Prevention, reduction, and investigation of motor
8 vehicle-related crime;

9 (c) Establishment of multi-jurisdiction task forces
10 upon request of local law enforcement agencies;

11 (d) Investigation of fraud related to motor vehicle
12 insurance, motor vehicle dealer purchases, and motor vehicle
13 rental transactions, and other forms of financial fraud
14 relating to motor vehicles;

15 (e) Hiring of personnel by local law enforcement
16 agencies for the purpose of preventing, reducing, and
17 investigating motor vehicle-related crime;

18 (f) Purchase of equipment and technology for support
19 in motor vehicle-related crime prevention, reduction, and
20 investigation;

21 (g) Provision of training to local law enforcement
22 agencies and multi-jurisdiction task forces relative to
23 motor vehicle-related crime prevention, reduction, and
24 investigation; and

25 (h) Production of public awareness materials and
26 programs relating to motor vehicle-related crime prevention.

27 (2) Promote statewide planning and coordination of the
28 investigation and prosecution of crimes relating to motor
29 vehicle and motor vehicle parts theft;

30 (3) Provide support to local prosecutors handling
31 motor vehicle and motor vehicle parts theft-related
32 prosecutions; and

33 (4) Provide support to multi-jurisdiction task forces
34 established by local law enforcement agencies for the
35 purpose of preventing, reducing, and investigating motor
36 vehicle-related crime.

37 2. The commission shall solicit and review
38 applications for grants under this section. The commission
39 may award grants for one to three years. The commission
40 shall give priority to applications representing
41 multijurisdictional programs. Each grant application, at a
42 minimum, shall describe the type of motor vehicle-related
43 crime prevention, reduction, investigation, enforcement,
44 prosecution, or offender rehabilitation program to be
45 implemented. Such programs may include, but shall not be
46 limited to:

47 (1) Multi-jurisdiction task forces and programs
48 utilizing the National Insurance Crime Bureau task force
49 that reduce motor vehicle-related crime and increase the
50 apprehension of motor vehicle and motor vehicle parts
51 thieves and persons who attempt to defraud insurance
52 companies;

53 (2) Motor vehicle-related crime prevention efforts,
54 activities, and public awareness campaigns intended to
55 reduce victimization by motor vehicle-related crime and
56 fraud;

57 (3) The provision of specialized training for motor
58 vehicle-related crime investigation personnel including, but
59 not limited to, law enforcement personnel, local motor
60 vehicle registration agents and title clerks, and port
61 facility employees, in order to enhance knowledge, skills,
62 procedures, and systems to detect, prevent, and combat motor
63 vehicle-related crime and fraud;

64 (4) The provision of support and maintenance by one or
65 more dedicated prosecutors who have the specific mission and
66 expertise to provide legal guidance and prosecutorial
67 continuity to complex criminal cases arising from the
68 activities of a multi-jurisdiction task force; and

69 (5) The prevention of future criminal behavior by
70 first-time offenders who have been charged, convicted, or
71 adjudicated for a motor vehicle-related crime.

72 3. Subject to available moneys, the commission shall
73 approve grants under this section. To the extent possible,
74 grants awarded under this section shall be awarded to local
75 law enforcement agencies, multi-jurisdiction task forces, or
76 other qualified applicants in a variety of geographic areas
77 of the state. The ability to contribute additional moneys
78 or match funding for a program shall not be required as a
79 condition of receipt of a grant under this section.

 589.225. 1. The executive director of the department
2 of public safety shall promulgate rules for the
3 administration of sections 589.220 to 589.227, including,
4 but not limited to:

5 (1) Requirements for an entity other than a law
6 enforcement agency to be a qualified applicant;

7 (2) Application procedures by which law enforcement
8 agencies or other qualified applicants may apply for grants
9 pursuant to the grant program established under section
10 589.224;

11 (3) The criteria for selecting those agencies or other
12 qualified applicants that shall receive grants, and the
13 criteria for determining the amount to be granted to the
14 selected agencies or applicants, and the duration of the
15 grants; and

16 (4) Procedures for reviewing the success of the
17 programs that receive grants.

18 2. On or before December 1, 2027, any law enforcement
19 agency or other qualified applicant that receives a grant
20 pursuant to section 589.224 shall submit a report to the
21 commission concerning the implementation of the program
22 funded through the grant.

23 3. On or before February 1, 2028, the commission shall
24 report to the judiciary committees of the senate and the
25 house of representatives on the implementation of the
26 programs receiving grants pursuant to this section. The
27 report shall include, but shall not be limited to:

28 (1) The number and geographic jurisdiction of law
29 enforcement agencies or other qualified applicants that
30 received grants under this section and the amount and
31 duration of the grants;

32 (2) The effect that the programs that received grants
33 had on the number of motor vehicle thefts in those areas of
34 the state;

35 (3) Recommendations for legislative changes to assist
36 in the prevention, enforcement, and prosecution of motor
37 vehicle-theft-related criminal activities; and

38 (4) Recommendations for changes in state programs,
39 policies, budgets, and standards relating to improving and
40 supporting the motor-vehicle-related crime prevention
41 initiatives of local law enforcement agencies and
42 multijurisdictional task forces.

 589.226. 1. There is hereby created in the state
2 treasury the "Motor Vehicle Theft Prevention Commission
3 Revolving Fund", which shall consist of moneys appropriated
4 to it by the general assembly.

5 2. The commission may accept and use federal funds
6 granted by Congress or by Executive Order, as well as gifts
7 and donations from individuals, private organizations, or
8 foundations. The acceptance and use of federal funds shall
9 not require state matching funds nor shall such acceptance
10 place an obligation on the general assembly to continue the
11 purposes for which the federal funds are made available.

12 3. The state treasurer shall be custodian of the fund.
13 In accordance with sections 30.170 and 30.180, the state
14 treasurer may approve disbursements. The fund shall be a
15 dedicated fund and, upon appropriation, moneys in this fund
16 shall be used solely as provided in sections 589.220 to
17 589.226. Notwithstanding the provisions of section 33.080
18 to the contrary, any moneys remaining in the fund at the end
19 of the biennium shall not revert to the credit of the
20 general revenue fund. The state treasurer shall invest
21 moneys in the fund in the same manner as other funds are
22 invested. Any interest and moneys earned on such
23 investments shall be credited to the fund.

589.227. Pursuant to section 23.253 of the Missouri
2 sunset act:

3 (1) The program authorized pursuant to sections
4 589.220 to 589.227 shall automatically sunset six years
5 after the effective date of sections 589.220 to 589.227
6 unless reauthorized by an act of the general assembly;

7 (2) Sections 589.220 to 589.227 shall terminate on
8 September first of the calendar year immediately following
9 the calendar year in which the program authorized pursuant
10 to sections 589.220 to 589.227 is sunset; and

11 (3) The provisions of this subsection shall not be
12 construed to impair or impede the state's fulfillment of any
13 obligations, including the authorization, issuance, or
14 redemption of tax credits, incurred pursuant to sections
15 589.220 to 589.227 prior to the date the program authorized
16 pursuant to sections 589.220 to 589.227 is sunset.

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