

SENATE BILL NO. 1665

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

6833S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 542, RSMo, by adding thereto one new section relating to entry of a private residence.

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

Section A. Chapter 542, RSMo, is amended by adding thereto
2 one new section, to be known as section 542.273, to read as
3 follows:

**542.273. 1. No government agent shall enter a private
2 home or residence without a warrant except:**

3 (1) After receiving the permission of the property
4 owner, lessee, or occupant;

5 (2) To respond to a life-threatening emergency or
6 another immediate threat to public safety that was either
7 reported to the government agent or the government agent
8 personally observed;

9 (3) To prevent the imminent destruction of evidence of
10 a crime where the government agent has probable cause such
11 destruction is about to occur.

12 Upon entering private land, the government agent shall
13 immediately notify the landowner, lessee, or occupant if
14 notice can be reasonably made. Unless entering under an
15 exception in this subsection, a government agent shall show
16 the warrant to the property owner, lessee, or occupant if
17 they are present. If a government agent is equipped with a

18 body-mounted camera while entering a home or private land,
19 the camera shall be activated and recording the entire time
20 the government agent is on the property. A government agent
21 shall not seize any private property from a home or private
22 land unless the government agent first acquires a warrant
23 authorizing the seizure, or the government agent has entered
24 the home or private land with consent or under exigent
25 circumstances and has individualized probable cause of the
26 commission of a criminal offense.

27 2. Any evidence obtained pursuant to a search or
28 seizure conducted in violation of this section is
29 inadmissible in any administrative, civil, or criminal
30 proceeding. Any arrest made pursuant to a search or seizure
31 conducted in violation of this section is invalid. Any
32 person who has been subjected to a search or seizure in
33 violation of this section may bring a civil action against
34 the state agency employing such government agent. A
35 prevailing plaintiff may recover declaratory relief,
36 injunctive relief, compensatory damages, nominal damages,
37 and attorney's fees.

38 3. As used in this section, the term "government
39 agent" shall mean any employee of a state agency, as the
40 term "state agency" is defined in section 36.020.

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