

SECOND REGULAR SESSION

HOUSE BILL NO. 1063

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HAMPTON (Sponsor), GREEN AND KUESSNER (Co-sponsors).

Read 1st time January 13, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3421L.011

AN ACT

To repeal sections 306.165, 306.167, and 542.261, RSMo, and to enact in lieu thereof four new sections relating to the Missouri state water patrol.

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

Section A. Sections 306.165, 306.167, and 542.261, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 306.165, 306.167, 306.169, and
3 542.261, to read as follows:

306.165. Each water patrol officer appointed by the Missouri state water patrol and each
2 of such other employees as may be designated by the patrol, before entering upon his or her
3 duties, shall take and subscribe an oath of office to perform all duties faithfully and impartially,
4 and shall be given a certificate of appointment, a copy of which shall be filed with the secretary
5 of state, granting all the powers of a peace officer to enforce all laws of this state, upon all of the
6 following:

7 (1) The waterways of this state bordering the lands set forth in subdivisions (2), (3), (4),
8 and (5) of this section;

9 (2) All federal land, where not prohibited by federal law or regulation, and state land
10 adjoining the waterways of this state;

11 (3) All land within three hundred feet of the areas in subdivision (2) of this section;

12 (4) All land adjoining and within six hundred feet of any waters impounded in areas not
13 covered in subdivision (2) with a shoreline in excess of four miles;

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

- 14 (5) All land adjoining and within six hundred feet of the rivers and streams of this state;
15 (6) Any other jurisdictional area, pursuant to the provisions of section 306.167;
16 (7) **All premises leased or owned or under control of the Missouri state water**
17 **patrol.**

18

19 Each water patrol officer may board any watercraft at any time, with probable cause, for the
20 purpose of making any inspection necessary to determine compliance with the provisions of this
21 chapter. Each water patrol officer may arrest on view and without a warrant any person he or
22 she sees violating or who such patrol officer has reasonable grounds to believe has violated any
23 law of this state, upon any water or land area subject to his or her jurisdiction as provided in this
24 section **or may arrest anyone violating any law in his or her presence throughout the state.**
25 **Each water patrol officer, while investigating an accident or crime that was originally**
26 **committed within such patrol officer's jurisdiction, as set forth in this section, may arrest**
27 **any person who he or she has probable cause to believe has committed such crime, even if**
28 **the suspect is currently out of the water patrol's jurisdiction. Water patrol officers, if**
29 **practicable, shall notify the sheriff of the police department prior to making an arrest**
30 **within their respective county or city.** Each water patrol officer shall[, within six months after
31 receiving a certificate of appointment, satisfactorily complete a law enforcement training course
32 including six hundred hours of actual instruction conducted by a duly constituted law
33 enforcement agency or any other school approved pursuant to] **comply with the training and**
34 **certification provisions of chapter 590, RSMo.**

306.167. The uniformed members of the state water patrol, with the exception of radio
2 personnel, shall have full power and authority[, except for vehicular traffic violations,] as now
3 or hereafter vested by law in peace officers when working with and at the special request of the
4 sheriff of any county, the chief park ranger of any first class county not having a charter form of
5 government and containing a portion of a city with a population exceeding four hundred
6 thousand inhabitants, the chief of police of any city, or the superintendent of the state highway
7 patrol as directed by the commissioner of the water patrol; provided, however, that such power
8 and authority shall be exercised only upon the prior notification of the chief law enforcement
9 officer of each jurisdiction.

306.169. In the investigation of an accident or crime that was originally committed
2 **within such patrol officer's jurisdiction, as set forth in section 306.167, the members of the**
3 **water patrol may request that the prosecuting or circuit attorney apply for, and members**
4 **of the water patrol may serve, search warrants anywhere within the state of Missouri,**
5 **provided the sheriff of the county in which the warrant is to be served, or his designee,**
6 **shall be notified upon application by the applicant of the search warrant.**

542.261. As used in sections 542.261 to 542.296 and section 542.301, the term "peace
2 officer" means a police officer, member of the highway patrol **or water patrol** to the extent
3 otherwise permitted by law to conduct searches, sheriff or deputy sheriff.