

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1257
97TH GENERAL ASSEMBLY

5052H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.152, RSMo, and to enact in lieu thereof one new section relating to voluntary roadside checkpoints.

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

Section A. Section 304.152, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.152, to read as follows:

304.152. 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or roadblock pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. **Notwithstanding any provision of the law to the contrary, no law enforcement agency or employee of the national highway traffic safety administration may establish a voluntary roadside checkpoint or roadblock pattern to collect breath, blood, or saliva samples from motorists. The provisions of this subsection do not apply to lawfully established roadside sobriety checkpoints.**

4. The provisions of this section shall not be construed to restrict any other type of checkpoint or roadblock which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.

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