

SECOND REGULAR SESSION

HOUSE BILL NO. 2902

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

6183H.01I

JOSEPH ENGLER, Chief Clerk

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 adding thereto seven new sections, to be known as sections 570.097, 589.220, 589.222, 589.224, 589.225, 589.226, and 589.227, to read as follows:

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

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

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

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

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

(1) A law enforcement officer;

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.

17 **(2) An employee of the National Insurance Crime Bureau; or**
18 **(3) An employee of any licensed dealer, distributor, or manufacturer of motor**
19 **vehicles or motor vehicle locks; motor vehicle mechanic shop; locksmith company; or**
20 **repossession agency.**

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

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

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

29 7. The provisions of this section are severable. If any section or provision of this
30 section is declared invalid or unconstitutional, the remainder of this section shall remain
31 in force.

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

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

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

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

13 **(1) The superintendent of the Missouri state highway patrol or his or her**
14 **designee;**

15 **(2) The director of the department of commerce and insurance or his or her**
16 **designee;**

17 **(3) The director of the department of revenue or his or her designee;**

18 **(4) The attorney general or his or her designee;**

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

20 **(a) A county sheriff;**

21 (b) A municipal police chief;
22 (c) A county prosecuting attorney;
23 (d) A representative from a motor vehicle manufacturer doing business in
24 Missouri;
25 (e) A representative from an insurance company authorized to issue motor
26 vehicle coverage in Missouri;
27 (f) A representative from the motor vehicle rental industry;
28 (g) A licensed new or used motor vehicle dealer; and
29 (h) A representative from the National Insurance Crime Bureau.

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

33 5. The term of office for each member of the commission who is appointed by the
34 governor shall be four years, except that of the initial appointments, three members
35 shall be appointed for a term of two years and four members shall be appointed for a
36 term of four years. Any member appointed by the governor may be removed from
37 office by the governor without cause. Before the expiration of the term of a member
38 appointed by the governor, the governor shall appoint a successor whose term begins on
39 July first next following. A member is eligible for reappointment. If there is a vacancy
40 for any cause, the governor shall make an appointment to become effective immediately
41 for the unexpired term.

42 6. (1) The state highway patrol shall provide to the commission all
43 administration, management, and organization of the commission's activities and
44 grant programs. Subject to available moneys, the commission may appoint a director,
45 who may employ such staff as may be necessary to operate and administer the program.

46 (2) No more than eight percent of the moneys in the fund created under section
47 589.226 shall be used for operational or administrative expenses of the program.

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

51 7. Members of the commission shall serve without compensation, except that
52 they shall be reimbursed for their reasonable and necessary expenses incurred in the
53 performance of their duties.

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

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

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

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

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

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

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

16 (g) Provision of training to local law enforcement agencies and multi-jurisdiction
17 task forces relative to motor vehicle-related crime prevention, reduction, and
18 investigation; and

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

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

23 (3) Provide support to local prosecutors handling motor vehicle and motor
24 vehicle parts theft-related prosecutions; and

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

28 2. The commission shall solicit and review applications for grants under this
29 section. The commission may award grants for one to three years. The commission
30 shall give priority to applications representing multijurisdictional programs. Each
31 grant application, at a minimum, shall describe the type of motor vehicle-related crime
32 prevention, reduction, investigation, enforcement, prosecution, or offender
33 rehabilitation program to be implemented. Such programs may include, but shall
34 not be limited to:

35 (1) Multi-jurisdiction task forces and programs utilizing the National Insurance
36 Crime Bureau task force that reduce motor vehicle-related crime and increase the
37 apprehension of motor vehicle and motor vehicle parts thieves and persons who attempt
38 to defraud insurance companies;

39 (2) Motor vehicle-related crime prevention efforts, activities, and public
40 awareness campaigns intended to reduce victimization by motor vehicle-related crime
41 and fraud;

42 (3) The provision of specialized training for motor vehicle-related crime
43 investigation personnel including, but not limited to, law enforcement personnel, local
44 motor vehicle registration agents and title clerks, and port facility employees, in order to
45 enhance knowledge, skills, procedures, and systems to detect, prevent, and combat
46 motor vehicle-related crime and fraud;

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

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

53 3. Subject to available moneys, the commission shall approve grants under this
54 section. To the extent possible, grants awarded under this section shall be awarded to
55 local law enforcement agencies, multi-jurisdiction task forces, or other qualified
56 applicants in a variety of geographic areas of the state. The ability to contribute
57 additional moneys or match funding for a program shall not be required as a condition
58 of receipt of a grant under this section.

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

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

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

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

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

13 2. On or before December 1, 2027, any law enforcement agency or other
14 qualified applicant that receives a grant pursuant to section 589.224 shall submit a
15 report to the commission concerning the implementation of the program funded
16 through the grant.

17 **3. On or before February 1, 2028, the commission shall report to the judiciary**
18 **committees of the senate and the house of representatives on the implementation of the**
19 **programs receiving grants pursuant to this section. The report shall include, but shall**
20 **not be limited to:**

21 **(1) The number and geographic jurisdiction of law enforcement agencies or**
22 **other qualified applicants that received grants under this section and the amount and**
23 **duration of the grants;**

24 **(2) The effect that the programs that received grants had on the number of**
25 **motor vehicle thefts in those areas of the state;**

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

28 **(4) Recommendations for changes in state programs, policies, budgets, and**
29 **standards relating to improving and supporting the motor-vehicle-related crime**
30 **prevention initiatives of local law enforcement agencies and multijurisdictional task**
31 **forces.**

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

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

9 3. The state treasurer shall be custodian of the fund. In accordance with sections
10 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a
11 dedicated fund and, upon appropriation, moneys in this fund shall be used solely as
12 provided in sections 589.220 to 589.226. Notwithstanding the provisions of section
13 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium
14 shall not revert to the credit of the general revenue fund. The state treasurer shall invest
15 moneys in the fund in the same manner as other funds are invested. Any interest and
16 moneys earned on such investments shall be credited to the fund.

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

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

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

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

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