



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 3038</b>		DATE: <b>3/2/2026</b>	
COMMITTEE: <b>Corrections and Public Institutions</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>CADE TREMAIN</b>		PHONE NUMBER: <b>573-691-7113</b>	
BUSINESS/ORGANIZATION NAME: <b>MO DEPT OF HEALTH AND SENIOR SERVICES</b>		TITLE:	
ADDRESS: <b>912 WILDWOOD</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65109</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/2/2026 12:00 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



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<b>WITNESS NAME</b>		
<b>REGISTERED LOBBYIST:</b>		
WITNESS NAME: <b>KYNA IMAN</b>		PHONE NUMBER: <b>314-651-1185</b>
REPRESENTING: <b>MO COUNCIL ON AGING</b>		TITLE:
ADDRESS: <b>P.O. BOX 1483</b>		
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>
		ZIP: <b>65102</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/2/2026 12:00 AM</b>
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ZAC JENKINS</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: <b>3/2/2026 12:00 AM</b>
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>3/2/2026 2:20 PM</b>	
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**I am Opposed to this Bill. This is a Duplication of Investigative Services that already are being done at the State, County and Local Levels. Other Agencies and Divisions can also Investigate such as Prosecutors, Circuit Court Public Administrators and other Federal Agencies.**



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/2/2026 8:07 AM</b>	

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

HB 3038 establishes an Office of Special Investigations within the Department of Health and Senior Services and grants investigators limited peace officer authority and administrative subpoena power in matters involving alleged abuse, neglect, or exploitation of “eligible adults.”

The legislation’s purpose is clear. The constitutional inquiry concerns the scope of authority conferred and the procedural safeguards accompanying that authority.

**Subpoena Authority**

Section 192.2515 authorizes the director or designee to subpoena “books, papers, or records” when necessary to investigate potential abuse. Administrative subpoenas must comply with the Fourth Amendment and Article I, Section 15 of the Missouri Constitution. They must serve a lawful purpose, be sufficiently definite, and seek information reasonably relevant to the inquiry. The statute does not specify internal procedural limits or judicial enforcement mechanisms within its text. As a result, constitutional scrutiny will center on whether subpoena power is exercised within traditional administrative bounds.

**Investigative and Arrest Authority**

The bill authorizes licensed peace officers within the department to exercise arrest powers in specified circumstances. Although arrest authority is limited to offenses involving eligible adult abuse and imminent danger situations, embedding criminal enforcement power within a regulatory health agency raises separation-of-powers considerations under Article II, Section 1 of the Missouri Constitution. The constitutional question will focus on whether investigative actions remain confined to the statutory limits and coordinated appropriately with traditional law enforcement.

**Due Process and Statutory Clarity**

The statute relies on cross-referenced definitions of “eligible adult.” Cross-referencing is permissible, but enforcement actions based on broad or indeterminate definitions may generate due process challenges if individuals lack clear notice of the conduct subject to investigation.

HB 3038 is not facially unconstitutional.

However, it expands executive investigative authority and subpoena power in a sensitive enforcement

**context. Constitutional durability will depend on disciplined implementation, adherence to Fourth Amendment constraints, and strict observance of statutory limits. Where investigative authority expands, judicial review will focus not on legislative intent, but on whether enforcement remains constitutionally bounded.**

**Legislation expanding investigative and subpoena authority warrants careful constitutional calibration. Where executive power increases, judicial safeguards must remain clear. Absent defined procedural guardrails, enforcement-based litigation is foreseeable.**