

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 190905

Amending Chapter 50, Code of Ordinances, by enacting one new Section 50-48 relating to a law enforcement request to conduct a search.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by enacting one new section 50-48 relating to a law enforcement request to conduct a search, to read as follows:

Sec. 50-48. Law enforcement request to conduct a search.

(a) *Definition.* The term "law enforcement officer" means a person who has a valid peace officer license pursuant to sections 590.010 through 590.195 of the Revised Statutes of Missouri and has the power of arrest for a violation of the state criminal code or the city's code of ordinances.

(b) *Request to search.* If a law enforcement officer makes a request upon a person to search the person or the person's vehicle, the officer shall make a written record as to whether or not consent was given. The written record shall be in a form as determined by the agency that employs the law enforcement officer.

(c) *Record of request to search.* A record made pursuant to this section shall be maintained pursuant to the State and Local Records Law found in Sections 109.200 through 109.310 of the Revised Statutes of Missouri. Notwithstanding any other provisions of this section to the contrary, no record shall be maintained of a search when no consent has been given for the search unless there is a seizure of any property resulting from such search.

(d) *Acknowledgment of search.* Immediately following either a search or a refusal to consent to a search when no search has been made, the law enforcement officer shall provide the person who gave or refused consent to search a written acknowledgment signed and dated by the officer indicating whether consent for the search was given or refused, whether a search was conducted and whether following refusal there occurred a search based on probable cause or other nonconsensual grounds or the search was terminated as a result of the withdrawal of consent.


(e) *Violation.* A person violating this section shall be guilty of an ordinance violation which shall be punishable by a fine not exceeding \$300.

(f) *Disposition of fines.* All fine amounts collected upon conviction of any person charged with a violation of this section shall be deposited in the treasury of this city in the general fund and such amounts shall thereafter be designated towards a criminal justice reinvestment program upon such program being authorized by the city council.

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10-14-19

Approved as to form:


Alan L. Holtkamp
Assistant City Attorney

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