



Tweede Kamer Der Staten-Generaal

Law of the 13th of July 2023 in which is contained regulations and changes to a new search act.
SA2023

Credentials

Author(s): *IhaveMidichlorians, Minister of Justice and Security and Deputy Prime Minister*
Sponsor(s):

Related legislation

- [Powers of Law Enforcement Act 2020](#)
- [Protective Service Act of 2022](#)
- [Search Act of 2019](#)

Legislative proposal

Wij Willem-Alexander, bij de gratie Gods, Koning der Nederlanden, Prins van Oranje-Nassau, enz. enz. enz.

Allen, die deze zullen zien of horen lezen, saluut! doen te weten:

Having considered that the current search act of 2019 is heavily outdated.

Zo is het, dat Wij met gemeen overleg der Staten-Generaal, hebben goedgevonden en verstaan, gelijk Wij goedvinden en verstaan bij deze:

Article 1 General provisions

- Policial Forces** are described as the combined forces of the Koninklijke Marechaussee (KMar) and the Korps Nationale Politie (KNP) and the Coast Guard (CG).
- Informed consent** is a general agreement to do something or allow something to happen after the relevant facts are disclosed (Article 2.5)
- a **High-Risk area** is an area in which the possibility of dangerous situations is more likely, due to for example the visit of a VIP.
- a **Traffic Check** is a checkpoint where the **Policial Forces** have the power to stop and inspect all (or almost all) drivers and vehicles passing along a road.
- a **VIP** will be described as an individual who qualifies for DKDB or CPT protection.
- a **Close Protection Officer** will be described as a member of the DKDB or CPT.
- a **Public Servant** is described as having a professional position within any organ of the State, as described in the [Wetboek van Strafrecht](#)
- an **Illegal Dealer** is a location in which items that are considered to be Class-C or Class-G are sold as described in the [Prohibited Items Act 2021](#) .
- Inspection of ships** is described as a search of one's vessel and goods for illegal cargo, stowaways, wanted individuals, etc.
- Compulsory searches** are searches that civilians have to comply with or possibly face legal consequences.
- Non-compulsory** searches are searches that civilians may deny without legal consequences.
- Non-voluntary searches** are searches that killed or wounded individuals cannot accept or deny on their own accord.
- Killed or wounded** is described as being killed in-game but awaiting medical assistance.
- Armed Forces** are described as the Dutch Armed Forces.
- an **Airport Security Officer** is described as the Civil Aviation Security of the Koninklijke Marechaussee, and the Ground Defence unit of the Koninklijke Luchtmacht.

Article 2 Legality of searches

- The Policial Forces are allowed to stop and search a suspect if they have reasonable grounds to suspect someone from a legal offence.
 - The Policial Forces are only allowed to search the suspect if the legal offence can be proven with searching the suspect.
- The Policial Forces are allowed to stop and search anyone near a crime scene to conduct an investigation
 - Only those present with the arrival of Law Enforcement may be searched.
 - Persons walking in later are not to be considered part of the crime scene or as suspects, therefore, unless otherwise informed, may not be searched.
 - Reported suspects by victims in a crime scene may still be searched.
- The Policial Forces are allowed to search a suspect reported of a crime.
 - This may only be done if there is reasonable suspicion after the report and the crime can be proven with searching the suspect.
- The Policial Forces are allowed to stop and search civilians at (air)ports for security purposes.
- Airport Security Officers are allowed to stop and search all civilians who wish to ride in an aircraft.
- The Policial Forces are allowed to search a citizen if the citizen gives them informed consent.
- The Koninklijke Marechaussee and members of the Royal Netherlands Navy have the authority to stop people and their vessels anywhere in the Kingdoms territorial waters.
 - Policial Forces and navy personnel are allowed to conduct an inspection of a person's ship.
 - Policial Forces and navy personnel are allowed to search the captain and his or her passengers when inspecting a ship.
- All of the aforementioned, with exception to 2.5 will be considered compulsory searches.

9. Non-compulsory searches will be classed as searches related to High Risk Zones, traffic stops, VIPs, Searches by Airport Security Officers, visa or ID check or a reason relating to article 2.6.
10. Close Protection Officers abide by article 4 of the [Police Protective Service Act of 2022](#) .
 - a. Close Protection Officers may help in the securing of High Risk Areas but shall abide by article 3 and 6 of this act (SA2023).

Article 3 High Risk Zones, searches and seizures

1. A High Risk Areas can be created by the First Chief Commissioner of the Korps Nationale Politie, Lieutenant General of the Koninklijke Marechaussee, Prime Minister, Deputy Prime Minister, Minister of Justice and Security, State Secretary of Justice and Security, Minister of Defence, State Secretary of Defence and the Chief of Defence.
2. Policial forces are allowed to search civilians in a High Risk Area.
3. A civilian is allowed to deny a search given in a High Risk Area.
4. Policial forces may confiscate any damage inflicting item that may pose a threat in High Risk Areas.
 - a. Policial Forces may only confiscate the legal items if consent is given by the owner.
5. A civilian is not allowed to enter a High Risk Area if they deny the search or the seizure of their (legal) items.

Article 4 Vehicle searches

1. During traffic stops civilians or their vehicles may not be searched unless there is reasonable suspicion of illegal articles or goods being present or consent is given by the driver.
2. Vehicles entering into harbors may be searched by policial forces or the armed forces.

Article 5 Securing suspects

1. Suspects who've been killed or wounded may have a non-voluntary search conducted on them.
 - a. A non-voluntary search may only be conducted if the killed suspect has been suspected of being involved in a crime.
 - b. Illegal items may be confiscated in the interests of public safety.
 - c. Legal items that have been used in a criminal offense may be confiscated in the interests of public safety.
 - d. Policial Forces may confiscate items used in a crime without informing the killed or wounded suspect.
2. Bystanding civilians who've been killed or wounded may not be searched unless reasonable grounds have been established.
 - a. Not applicable to grounds listed under non-compulsory searches.
3. Suspects who have been killed or wounded do not have to be notified of a non-voluntary search.

Article 6 Search and seizure procedure

1. As per article 16 [Politiewet](#) , the policial forces have the power to detain a suspect while searching them.
2. The **Policial Forces and Airport Security Officers** are required to tell the citizen/suspect the following things before they search them:
 - a. The reason why they want to search a citizen/suspect.
 - b. Why they are legally allowed to search a citizen/suspect.
 - c. What they expect to find.
3. Policial forces reserve the power to seize and confiscate any possession of a person within the Kingdom of the Netherlands territory if there is reason to believe a crime has or will be committed with the article, as laid out by the [Politiewet](#) .
4. When policial forces confiscate items the citizen is allowed to request the following things, which the policial forces or Airport Security Officer must fulfill:
 - a. Why they are confiscating an item;
 - b. and why they are legally allowed to do so.

Article 7 Security of airports

1. Airport Security Officers are responsible for the security checks at airports. The Ground Defence Unit of the Koninklijke Luchtmacht may only execute this task if no members of the Koninklijke Marechaussee are present or ask for assistance.
 - a. Every passenger has to provide identity as described in the Identification Act
 - b. Every passenger will be searched for illegal goods and weapons.
 - c. Every passenger will have the items that the Airport Security Officer deems as a threat to anyone on board, confiscated.
 - d. If a passenger refuses to comply with articles 7.1.a, 7.1.b, or 7.1.c, the passenger will be refused access to the airport and/or aircraft.
2. If there are no Airport Security officers present at the airport, the Korps Nationale Politie (KNP) or ground crew should perform the task described in article 7 if they are present, and will therefore be legally considered as Airport Security Officers whilst they are doing said task.

Article 8 Security of ports

1. The Koninklijke Marechaussee is tasked with the security of port area's.
2. The Koninklijke Marechaussee (KMar) is allowed to inspect a ship at sea and in port.
 - a. If the Koninklijke Marechaussee is unavailable at the ports, the Korps Nationale Politie, Koninklijke Marine, KMARNs and NLMARSOF are allowed to search docked vessels.
3. Docked vessels may only be searched if there is reason to believe illegal goods are onboard.
 - a. The Policial Forces and navy personnel are only allowed to search the vessel if the presence of illegal goods can be proven with the search of the vessel.

4. Passengers and their goods of (private) ferries may be searched by the Koninklijke Marechaussee.
 - a. The Koninklijke Marechaussee will search people and their goods per regulation of said ferry company.
 - b. The Koninklijke Marechaussee may only confiscate items that are classed as “not allowed on board” by the ferry company, with the consent of the owner of the items.
 - c. Those refusing the search or seizure may not board a ferry.
 - d. The Koninklijke Marechaussee will only be authorized to confiscate illegal items without having consent.
5. When there are no officers of the Koninklijke Marechaussee present at a harbor, the Korps Nationale Politie (KNP) or the crew of the ferry company has to perform the task described in article 8.4 to 8.4.c

Article 9 Rights of the citizen

1. Civilians may be able to deny compulsory and non-compulsory searches 2 times before being arrested for article 79 WvS or article 79 WvSNA, failure to comply with a search (compulsory search), or being sent away (non-compulsory search).
2. Civilians may refuse otherwise compulsory searches if the reason for the search has not been made clear by the one initiating the search.




Article 10 Traffic checkpoints

1. The **Policial Forces** are allowed to set up a **traffic check** if the following conditions are met:
 - a. There has been permission from the Minister of Justice and Security, or any member of the Korps Nationale Politie or the Koninklijke Marechaussee with a rank equal to or higher than Sergeant
 - b. There are more than 15 players present within the game where the **traffic check** is being conducted
 - c. There are more than 3 members of the **Policial Forces** online and not serving in the checkpoint
 - d. All vehicles passing the checkpoint must be stopped, unless the vehicle belongs to an on-duty **public servant**.
2. When a **traffic check** is created, this must be communicated to other members of the **Policial Forces** via the radio. This message must include the following information:
 - a. where the traffic check is being conducted
 - b. who approved of the traffic check
3. A **traffic check** must be clearly marked and must consist of (at least) the following:
 - a. A marked area where vehicles are parked during the check.
 - b. A set location where vehicles are stopped. This location must be marked with at least one (1) cone or traffic barricade and one (1) stop sign.
 - c. A member of the Korps Nationale Politie with a rank equal to or higher than Constable, or a member of the Koninklijke Marechaussee with a rank equal or higher than Marechaussee 1st class
 - d. 2 members of the **Policial Forces** must be present at the **traffic check**
4. The highest rank present during the **traffic check** is required to log the **traffic check** within the Ministry of Justice and Security Discord immediately after finishing. This log must contain the following information:
 - a. the location of the check, including the game where it was conducted
 - b. the start time of the check
 - c. the end time of the check
 - d. who gave permissions for the check
 - e. The policial force with the highest rank who supervised the checkpoint
5. A **traffic check** may only be set up 2 hours after the last one has ended.
6. A **traffic check** may not be done within 400 studs of an **illegal dealer**.
7. During a **traffic check** the **Policial Forces** have the power to request identification from and/or search any occupants of the stopped vehicle.

Article 11 Mismanagement

1. Law enforcement officers and armed forces personnel who break any of these acts will be punished according to article 121 WvS or article 56 WvMS.
2. Any other organization or person who breaks any of these acts will be punished accordingly through court.

Article 12 Amendments and Repeals

1. Upon the majority approval and the coming into force of this act, the  Search Act of 2019 will be repealed.
2. Upon a majority approval and the coming into force of this act, the  Powers of Law Enforcement Act 2020 article III will be amended to the following:
 - a. As per legislation covered by the Search Act of 2023, all law enforcement officers obtain the power to search any civilian and their property within any of the Dutch Virtual Establishments, within the boundaries set in the Search Act of 2023.
3. Upon a majority approval and the coming into force of this act, the  Powers of Law Enforcement Act 2020 article VI will be amended to the following:
 - a. Law enforcement officers reserve the power to seize and confiscate any possession of a person within the Kingdom of the Netherlands territory if there is reason to believe a crime has or will be committed with the article.
 - b. Law enforcement officers reserve the power to seize and confiscate any possession of a person within the Kingdom of the Netherlands territory if the item is considered illegal.

- c. Law enforcement officers reserve the power to seize and confiscate any possession of a person within the Kingdom of the Netherlands territory if consent is given by the owner.

Article 13 Closing Provisions

- 1. This act, upon majority approval, will come into force on the 1st of August 2023.

Signed,

Midichlorians

The Honourable IhaveMidichlorians, Minister of Justice and Security and Deputy Prime Minister

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His Majesty the King, V4P0R