

FIRST REGULAR SESSION

# HOUSE BILL NO. 276

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES RELFORD, SEIGFREID AND MERIDETH (Co-sponsors).

Read 1<sup>st</sup> time January 4, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0098L.011

---

### AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.518, 43.521, 43.527, 43.530, 43.540, 43.543, 302.225, 455.040 and 610.120, RSMo 2000, relating to records kept by the state highway patrol, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

---

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

Section A. Sections 43.500, 43.503, 43.506, 43.518, 43.521, 43.527, 43.530, 43.540, 2 43.543, 302.225, 455.040 and 610.120, RSMo 2000, are repealed and thirteen new sections 3 enacted in lieu thereof, to be known as sections 43.500, 43.503, 43.506, 43.518, 43.527, 43.530, 4 43.532, 43.540, 43.542, 43.543, 302.225, 455.040 and 610.120, to read as follows:

43.500. As used in sections 43.500 to 43.530, the following terms mean:

- 2 (1) "Central repository", the Missouri state highway patrol criminal records **and**  
3 **identification** division for compiling and disseminating complete and accurate criminal history  
4 records **and for compiling, maintaining and disseminating criminal incident and arrest**  
5 **reports and statistics**;
- 6 (2) "Committee", criminal records advisory committee;
- 7 (3) "Criminal history record information", information collected by criminal justice  
8 agencies on individuals consisting of identifiable descriptions and notations of arrests,  
9 detentions, indictments, informations, or other formal criminal charges, and any disposition  
10 arising therefrom, sentencing, correctional supervision, and release;
- 11 (4) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 it occurs in the criminal justice system;

13 (5) "State offense cycle number" or "OCN", a [preprinted] **unique** number, **supplied**  
14 **by or approved by the Missouri state highway patrol**, on the state **criminal** fingerprint card  
15 [which is used to identify each arrest which may include multiple offenses for which a person  
16 is fingerprinted]. **The offense cycle number is used to link the identity of a person, through**  
17 **fingerprints, to one or many offenses for which the person is arrested or charged.** [This  
18 number] **The OCN** will be [associated with] **used to track** an offense incident from the date of  
19 arrest to the [date] **final disposition when** the offender exits [from] the criminal justice system;

20 (6) "Missouri charge code", a **unique number assigned by the office of the courts**  
21 **administrator to an offense for tracking and grouping offenses. The complete charge code**  
22 **is eight digits and shall consist of the five digits assigned by the office of the courts**  
23 **administrator, the two digit National Crime Information Center modifiers and the single**  
24 **digit designating attempt, accessory or conspiracy;**

25 (7) "Without undue delay", as soon as possible but not later than [thirty] **fifteen** days  
26 after the criminal history event;

27 [(7)] (8) "Administration of criminal justice", performance of any of the following  
28 activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution,  
29 adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.  
30 The administration of criminal justice shall include criminal identification activities and the  
31 collection, storage, and dissemination of criminal history record information, including  
32 fingerprint searches, photographs, and other indicia of identification.

43.503. 1. For the purpose of maintaining complete and accurate criminal history record  
2 information, all police officers of this state, the clerk of each **municipal, state circuit and state**  
3 **appellate** court, the department of corrections, the sheriff of each county, the chief law  
4 enforcement official of a city not within a county and the prosecuting attorney of each county or  
5 the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and  
6 disposition information to the central repository for filing without undue delay in the form and  
7 manner required by sections 43.500 to [43.530] **43.543.**

8 2. All law enforcement agencies making misdemeanor and felony arrests as determined  
9 by section 43.506 shall furnish without undue delay, to the central repository, fingerprints,  
10 charges, **appropriate charge codes** and descriptions of all persons who are arrested for such  
11 offenses on standard fingerprint forms supplied **or electronically in a format and manner**  
12 **approved** by the highway patrol. All such agencies shall also notify the central repository of all  
13 decisions not to refer such arrests for prosecution. An agency making such arrests may enter into  
14 arrangements with other law enforcement agencies for the purpose of furnishing without undue  
15 delay such fingerprints, charges, and descriptions to the central repository upon its behalf. In

16 instances where an individual less than seventeen years of age **and not currently certified as**  
17 **an adult** is taken into custody for an offense which would be [considered] a felony if committed  
18 by an adult, the arresting officer shall take [one set of] fingerprints for the central repository [and  
19 may take another set for inclusion in a local or regional automated fingerprint identification  
20 system]. These fingerprints shall be taken on fingerprint cards [which are plainly marked  
21 "juvenile card" and shall be provided by the central repository. The fingerprint cards shall be so  
22 constructed that only the fingerprints, unique identifying number, and the court of jurisdiction  
23 are] **supplied by or approved by the highway patrol or transmitted electronically in a**  
24 **format and manner approved by the highway patrol. The name of the juvenile should not**  
25 **be** made available to the central [or local] repository. [The remainder of the card which bears]  
26 The individual's [identification and] **name**, the [duplicate] unique number **associated with the**  
27 **fingerprints and other pertinent information** shall be provided to the court of jurisdiction **by**  
28 **the agency taking the juvenile into custody.** The [appropriate portion of the juvenile  
29 fingerprint card] **juvenile's fingerprints and other information** shall be forwarded **without**  
30 **undue delay** to the central repository and the courts [without undue delay]. The fingerprint  
31 information from the card shall be captured and stored in the automated fingerprint identification  
32 system operated by the central repository. [The juvenile fingerprint card shall be stored in a  
33 secure location, separate from all other fingerprint cards.] In the event the fingerprints [from this  
34 card] are found to match **other ten prints or unsolved** latent prints [searched in the automated  
35 fingerprint identification system], **the central repository shall notify the submitting agency**  
36 **who shall notify** the court of jurisdiction [shall be so advised] **as per local agreement.**  
37 **Juvenile authorities may forward fingerprints, photographs and other indicia of**  
38 **identification of juveniles certified as adults to the central repository for entry into the**  
39 **criminal history record system to identify and track those juveniles certified as adults. If**  
40 **the certification of a juvenile is no longer applicable, after the juvenile authority forwards**  
41 **information to the central repository, the juvenile authority shall inform the central**  
42 **repository of the change in the status of the juvenile without undue delay.**

43 3. The prosecuting attorney of each **municipality or** county, or the circuit attorney of  
44 a city not within a county shall notify the central repository on standard forms supplied by the  
45 highway patrol **or in a format and manner approved by the highway patrol** of all charges  
46 filed, including all those added subsequent to the filing of a criminal court case, and whether  
47 charges were not filed in criminal cases for which the central repository has a record of an arrest.  
48 All records forwarded to the central repository by prosecutors or circuit attorneys as required by  
49 sections 43.500 to 43.530 shall include the state offense cycle number of the offense, **the charge**  
50 **code for the offense** and the originating agency identifier number of the reporting prosecutor,  
51 using such numbers as assigned by the highway patrol.

52           4. The clerk of the courts of each **municipality**, county or city not within a county shall  
53 furnish the central repository, on standard forms supplied by the highway patrol **or in a format**  
54 **and manner approved by the highway patrol**, with all final dispositions of [criminal] cases  
55 for which the central repository has a record of an arrest or a record of fingerprints reported  
56 pursuant to [subsections 6 and 7 of this section] **sections 43.500 to 43.506**. Such information  
57 shall include, for each charge:

58           (1) All judgments of not guilty, acquittals on the ground of mental disease or defect  
59 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation,  
60 if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

61           (2) Court orders filed with the clerk of the courts which reverse a reported conviction  
62 or vacate or modify a sentence;

63           (3) Judgments terminating or revoking a sentence to probation, supervision or  
64 conditional release and any resentencing after such revocation; and

65           (4) The offense cycle number of the offense, and the originating agency identifier  
66 number of the [reporting] **sentencing** court, using such numbers as assigned by the highway  
67 patrol.

68           5. The clerk of the courts of each **municipality**, county or city not within a county shall  
69 furnish **to the department of corrections or the department of mental health** court judgment  
70 and sentence documents and the state offense cycle number **and the charge code** of the  
71 offense[, ] which result in the commitment or assignment of an offender[, ] to the jurisdiction of  
72 the department of corrections or the department of mental health if the person is committed  
73 pursuant to chapter 552, RSMo. This information shall be reported to the department of  
74 corrections or the department of mental health at the time of commitment or assignment. If the  
75 offender was already in the custody of the department of corrections or the department of mental  
76 health at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent  
77 conviction to the appropriate department by certified mail, return receipt requested, [within ten  
78 days of such disposition] **or in a manner and format mutually agreed to without undue**  
79 **delay**.

80           6. [After the court pronounces sentence, including an order of supervision or an order  
81 of probation granted for any offense which is required by statute to be collected, maintained, or  
82 disseminated by the central repository, or commits a person to the department of mental health  
83 pursuant to chapter 552, RSMo,] **Information, fingerprints and other indicia forwarded to**  
84 **the central repository, normally obtained from a person at the time of arrest, may be**  
85 **obtained at any time the subject is in the criminal justice system or committed to the**  
86 **department of mental health pursuant to chapter 552, RSMo, before final disposition of**  
87 **the charge or final discharge of the person. A law enforcement agency or the department**

88 **of corrections may fingerprint the person and obtain the necessary information at any time**  
89 **the subject is in custody.** The prosecuting attorney or the circuit attorney of a city not within  
90 a county shall **request a law enforcement agency or person knowledgeable in the process of**  
91 **obtaining fingerprints to fingerprint the subject and obtain the necessary information and**  
92 **indicia at the time the subject appears for arraignment or at a time and place deemed**  
93 **appropriate by the prosecuting attorney or the circuit attorney of a city not within a**  
94 **county, whenever the subject's fingerprints and other identifying indicia were not obtained**  
95 **or are not available for the offense being processed. The prosecuting attorney or the**  
96 **circuit attorney of a city not within a county shall** ask the court to order [a law enforcement  
97 agency to fingerprint] **that fingerprints be taken** immediately **for** all persons appearing before  
98 the court to be sentenced or committed who have not previously been fingerprinted for the same  
99 case. The court shall order the requested fingerprinting if it determines that any [sentenced or  
100 committed] **such** person has not previously been fingerprinted for the same case. The law  
101 enforcement agency **or agency taking the fingerprints** shall submit such fingerprints to the  
102 central repository without undue delay **and shall furnish the OCN associated with the**  
103 **fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county**  
104 **and to the court clerk of the court ordering the subject fingerprinted.**

105 7. The department of corrections and the department of mental health shall furnish the  
106 central repository with all information concerning the receipt, escape, execution, death, release,  
107 pardon, parole, commutation of sentence, granting of executive clemency, **legal name change**  
108 or discharge of an individual who has been sentenced to that department's custody for any  
109 offenses which are mandated by law to be collected, maintained or disseminated by the central  
110 repository. All records forwarded to the central repository by the department as required by  
111 sections 43.500 to 43.530 shall include the offense cycle number of the offense, and the  
112 originating agency identifier number of the department using such numbers as assigned by the  
113 highway patrol.

114 **8. Nothing in this chapter shall prohibit any criminal justice agency from reporting**  
115 **any arrest or custody information, prosecution action or court action, to the central**  
116 **repository, taken on any subject for a violation which is not categorized as a reportable**  
117 **offense in the Missouri charge code manual.**

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to  
2 43.530 include all felonies and serious or aggravated misdemeanors consistent with the reporting  
3 standards established by the National Crime Information Center, Federal Bureau of Investigation,  
4 for the Federal Interstate Identification Index System. [In addition, all cases arising pursuant to  
5 sections 566.010 to 566.141, RSMo, where the defendant pleads guilty to an offense involving  
6 a child under seventeen years of age and the court imposes a suspended imposition of sentence

7 shall be reported. The following types of offenses shall not be considered reportable for the  
8 purposes of sections 57.403, RSMo, 43.500 to 43.530, and 595.200 to 595.218, RSMo:  
9 disturbing the peace, curfew violation, loitering, false fire alarm, disorderly conduct, nonspecific  
10 charges of suspicion or investigation, and general traffic violations and all misdemeanor  
11 violations of the state wildlife code.] All violations for driving under the influence of drugs or  
12 alcohol are reportable. All offenses considered reportable shall be reviewed annually and noted  
13 in the Missouri charge code manual established in section 43.512. All information collected  
14 pursuant to sections 43.500 to 43.530 shall be available only as set forth in section 610.120,  
15 RSMo.

16 2. [With the exception of the manual reporting of arrests and fingerprints by law  
17 enforcement agencies as noted in subsection 2 of section 43.503, and notwithstanding  
18 subsections 2 to 7 of section 43.503,] **Action on any offense by a criminal justice agency may**  
19 **be reported to the central repository whether or not it is noted as reportable in the**  
20 **Missouri charge code manual.**

21 3. Law enforcement agencies, court clerks, prosecutors and custody agencies may report  
22 required information by electronic medium either directly to the central repository or indirectly  
23 to the central repository via other criminal justice agency computer systems in the state with the  
24 approval of the [advisory committee] **highway patrol.**

25 [3.] 4. In addition to the repository of fingerprint records for individual offenders, the  
26 central repository of criminal history **and identification** records for the state shall maintain a  
27 repository of latent prints **and other fingerprints submitted to the repository.**

43.518. 1. There is hereby established within the department of public safety a "Criminal  
2 [Records] **Justice** Advisory Committee" whose purpose is to recommend general policies with  
3 respect to the philosophy, concept and operational principles of the Missouri criminal history  
4 record information system established by sections 43.500 to [43.530] **43.543**, in regard to the  
5 collection, processing, storage, dissemination and use of criminal history record information  
6 maintained by the central repository; **Uniform Crime Summary and Incident Base Reporting**  
7 **System; Automated Fingerprints Identification System (AFIS); Missouri uniform law**  
8 **enforcement system (MULES); Juvenile Justice; Standards and Technology for the**  
9 **Criminal Justice System; Criminal Justice Grant Funding.**

10 2. The committee shall be composed of the following officials or their designees: the  
11 director of the department of public safety; the director of the department of corrections and  
12 human resources; the attorney general; the director of the Missouri office of prosecution services;  
13 the president of the Missouri prosecutors association; the president of the Missouri court clerks  
14 association; the chief clerk of the Missouri state supreme court; the director of the state courts  
15 administrator; the chairman of the state judicial record committee; the chairman of the circuit

16 court budget committee; the presidents of the Missouri peace officers association; the Missouri  
17 sheriffs association; the Missouri police chiefs association or their successor agency; the  
18 superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions  
19 with over two hundred thousand population; except that, in any county of the first class having  
20 a charter form of government, the chief executive of the county may designate another person  
21 in place of the police chief of any countywide police force, to serve on the committee; and, at the  
22 discretion of the director of public safety, as many as three other representatives of other criminal  
23 justice [records systems or law enforcement] agencies may be appointed by the director of public  
24 safety. The director of the department of public safety will serve as the permanent chairman of  
25 this committee.

26 3. The committee shall meet as determined by the director but not less than  
27 [semiannually] **annually** to perform its duties. A majority of the appointed members of the  
28 committee shall constitute a quorum.

29 4. No member of the committee shall receive any state compensation for the  
30 performance of duties associated with membership on this committee.

31 5. Official minutes of all committee meetings will be prepared by the director, promptly  
32 distributed to all committee members, and filed by the director for a period of at least five years.

33 **6. The director of public safety shall designate subcommittees to research specific**  
34 **areas of concern and present information to the committee as directed.**

2 [43.521. Sections 43.500 to 43.530 shall not require fingerprinting of  
3 juvenile offenders or reporting of information pertaining to a proceeding pursuant to  
4 the Missouri juvenile code, except in those cases where a juvenile is certified to the  
circuit court to stand trial as an adult.]

2 43.527. For purposes of sections 43.500 to 43.530 all [federal and nonstate of Missouri]  
3 agencies **and persons** shall pay for criminal records checks, fingerprint searches, and any of the  
4 information as defined in subdivision (3) of section 43.500, when such information is not related  
5 to the administration of criminal justice. **There shall be no charge for information supplied**  
6 **to criminal justice agencies for the administration of criminal justice. There shall be no**  
7 **charge for information requested by Missouri state agencies screening state employees or**  
8 **applicants for state employment.** For purposes of sections 43.500 to 43.530 the administration  
9 of criminal justice is defined in subdivision (7) of section 43.500 **and shall be available only**  
**as set forth in section 610.120, RSMo.**

2 43.530. For each request **requiring the payment of a fee** received by the central  
3 repository, [as defined in subdivision (1) of section 43.500,] the requesting entity shall pay a fee  
4 of not more than five dollars per request for criminal history record information **not based on**  
5 **a fingerprint search** and pay a fee of not more than fourteen dollars per request for  
[classification and search of fingerprints] **criminal history record information based on a**

6 **fingerprint search.** Each such request shall be limited to check and search on one individual.  
7 Each request shall be accompanied by a check, warrant, voucher, or money order payable to the  
8 state of Missouri-criminal record system **or payment shall be made in a manner approved by**  
9 **the highway patrol.** There is hereby established by the treasurer of the state of Missouri a fund  
10 to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section  
11 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not  
12 totally expended annually **by the highway patrol** for the purposes set forth in [section 43.527]  
13 **sections 43.500 to 43.543,** the unexpended moneys in such fund shall remain in the fund and the  
14 balance shall be kept in the fund to accumulate from year to year.

**43.532. 1. Criminal history and identification records obtained from the central**  
2 **repository shall be used solely for the purpose for which they were obtained. The subject**  
3 **of the record shall be afforded the opportunity to challenge the correctness, accuracy and**  
4 **completeness of a criminal history record before being denied employment, license,**  
5 **certification or privilege of any nature.**

6 **2. No person shall collect, distribute or disseminate any criminal history record**  
7 **information from the central repository for monetary fees or dues, or on a cooperative**  
8 **basis regularly engage in the practice of assembling or evaluating criminal history record**  
9 **information for the purpose of furnishing criminal history to a third party. Any person**  
10 **who obtains criminal history record information from the central repository under false**  
11 **pretenses shall be guilty of a class A misdemeanor.**

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

2 (1) ["Criminal record review", a request to the highway patrol for information concerning  
3 any criminal history record for a felony or misdemeanor;] **"Authorized state agency", a**  
4 **division of state government or an office of state government designated by the statutes of**  
5 **Missouri to issue or renew a license, permit, certification or registration of authority to a**  
6 **qualified entity;**

7 (2) **"Care", the provision of care, treatment, education, training, instruction,**  
8 **supervision or recreation;**

9 (3) **"National criminal record review", a review of the criminal history records**  
10 **maintained by the Federal Bureau of Investigation;**

11 (4) **"Patient or resident", a person who by reason of [aging] age, illness, disease or**  
12 **physical or mental infirmity receives or requires care or services furnished by a provider, as**  
13 **defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or**  
14 **accommodated in a facility as defined in section 198.006, RSMo, for a period exceeding**  
15 **twenty-four consecutive hours;**

16 [(3) **"Patrol", the Missouri state highway patrol;**



17           (4)] **(5) "Provider", [any licensed day care home, licensed day care center, licensed child**  
18 **placing agency, licensed residential care facility for children, licensed group home, licensed**  
19 **foster family group home, licensed foster family home or any operator licensed pursuant to**  
20 **chapter 198, RSMo, any employer of nurses or nursing assistants for temporary or intermittent**  
21 **placement in health care facilities or any entity licensed pursuant to chapter 197, RSMo;] a**  
22 **person who:**

23           **(a) Is employed by or seeks employment with a qualified entity, as defined by this**  
24 **section; or**

25           **(b) Volunteers or seeks to volunteer with a qualified entity, as defined by this**  
26 **section; or**

27           **(c) Owns or operates a qualified entity, as defined by this section; or**

28           **(d) Has or may have unsupervised access to children, the elderly or persons with**  
29 **disabilities;**

30           **[(5)] (6) "Qualified entity", a person, business or organization, whether public or**  
31 **private, for profit, not-for-profit, or voluntary, that provides care or placement services**  
32 **for children, the elderly or persons with disabilities as patients or residents, including a**  
33 **business organization that licenses or certifies others to provide care or placement services;**

34           **(7) "Youth services agency", any public or private agency, school, or association which**  
35 **provides programs, care or treatment for or which exercises supervision over minors.**

36           2. [Upon receipt of a written request from a private investigatory agency, a youth service  
37 agency or a provider, with the written consent of the applicant, the highway patrol shall conduct  
38 a criminal record review of an applicant for a paid or voluntary position with the agency or  
39 provider if such position would place the applicant in contact with minors, patients or residents.

40           3. Any request for information made pursuant to the provisions of this section shall be  
41 on a form provided by the highway patrol and shall be signed by the person who is the subject  
42 of the request.

43           4. The patrol shall respond in writing to the youth service agency or provider making a  
44 request for information pursuant to this section and shall inform such youth service agency or  
45 provider of the nature of the offense, and the date, place and court. Notwithstanding any other  
46 provision of law to the contrary, the youth service agency or provider making such request shall  
47 have access to all records of arrests resulting in an adjudication where the applicant was found  
48 guilty or entered a plea of guilty or nolo contendere in a prosecution pursuant to chapter 565,  
49 RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any state or the United States  
50 for offenses described in sections 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the  
51 period of any probation imposed by the sentencing court.

52           5. Any information received by a provider or a youth services agency pursuant to this

53 section shall be used solely for the provider's or youth service agency's internal purposes in  
54 determining the suitability of an applicant or volunteer. The information shall be confidential  
55 and any person who discloses the information beyond the scope allowed in this section is guilty  
56 of a class A misdemeanor. The patrol shall inform, in writing, the provider or youth services  
57 agency of the requirements of this subsection and the penalties provided in this subsection at the  
58 time it releases any information pursuant to this section.] **A qualified entity may obtain a  
59 Missouri criminal record review of a provider from the highway patrol by furnishing  
60 information on forms and in the manner approved by the highway patrol.**

61 **3. A qualified entity may request a Missouri criminal record review and a national  
62 criminal record review of a provider through an authorized state agency. No authorized  
63 state agency is required by this section to process Missouri or national criminal record  
64 reviews for a qualified entity; however, if an authorized state agency agrees to process  
65 Missouri and national criminal record reviews for a qualified entity, the qualified entity  
66 shall provide to the authorized state agency on forms and in a manner approved by the  
67 highway patrol:**

- 68 (1) Two sets of fingerprints of the provider; and  
69 (2) A statement signed by the provider which contains:  
70 (a) The provider's name, address, date of birth; and  
71 (b) A statement indicating if the provider has been convicted of or has pled guilty  
72 to a crime which resulted in the imposition of a suspended sentence; and  
73 (c) If the provider has been convicted or has pled guilty to a crime, a description  
74 of the crime and the particulars of the conviction or plea; and  
75 (d) A statement of the authority of the qualified entity to check the provider's  
76 criminal history; and  
77 (e) A statement of the provider's right to review the report received by the qualified  
78 entity; and  
79 (f) A statement of the provider's right to challenge the accuracy of the report  
80 received by the qualified entity; and  
81 (g) A statement that should the provider challenge the accuracy of the criminal  
82 record review, the challenge shall be made to the highway patrol.

83 **4. The authorized state agency shall forward the required forms and fees to the  
84 highway patrol. The results of the record review shall be forwarded to the authorized state  
85 agency, which will notify the qualified entity as to the suitability of the provider. The  
86 authorized state agency may assess a fee to the qualified entity to cover the cost of handling  
87 the criminal record review and may establish an account solely for the collection and  
88 dissemination of fees associated with the criminal record review.**

89           **5. Any information received by an authorized state agency or a qualified entity**  
90 **pursuant to the provisions of this section shall be used solely for the internal purpose of**  
91 **determining the suitability of a provider. The dissemination of criminal history**  
92 **information from the Federal Bureau of Investigation beyond the authorized state agency**  
93 **is prohibited. All criminal record check information shall be confidential and any person**  
94 **who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.**

95           **6. The highway patrol shall make available or approve the forms, procedures and**  
96 **agreements necessary to implement the provisions of this section.**

**43.542. 1. In order to facilitate the authorized interstate exchange of criminal**  
2 **history information for noncriminal justice purposes, including but not limited to,**  
3 **background checks for the licensing and screening of employees as volunteers under the**  
4 **National Child Protection Act of 1993, as amended, and to adopt the National Crime**  
5 **Prevention and Privacy Compact, 42 U.S.C. 14616, the general assembly approves and**  
6 **adopts the compact. The central repository shall execute the compact on behalf of the state**  
7 **of Missouri.**

8           **2. The central repository may adopt rules and establish procedures for cooperative**  
9 **exchange of criminal history records among states participating in the Interstate**  
10 **Identification Index and the federal government for use in noncriminal justice cases and**  
11 **for authorized purposes only.**

12           **3. The compact and this section do not affect or abridge the obligations and**  
13 **responsibilities of the central repository under other provisions of this chapter, and do not**  
14 **alter or amend the manner, direct or otherwise, in which the public is afforded access to**  
15 **criminal history information under state law.**

          43.543. [Any state agency listed in section 621.045, RSMo, or any state agency which  
2 provides programs, care or treatment for or which exercises supervision over minors shall submit  
3 two sets of fingerprints for any person seeking employment with such agency or provider or for  
4 any person who is seeking the issuance or renewal of a license, permit or certificate of  
5 registration or authority from such agency, for the purpose of checking the person's prior criminal  
6 history when the state agency determines a nationwide check is warranted. The fingerprint cards  
7 and any required fees shall be sent to the Missouri state highway patrol's criminal records  
8 division. The first set of fingerprints shall be used for searching the state repository of criminal  
9 history information. If no identification is made, the second set of fingerprints shall be  
10 forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of  
11 the federal criminal history files. The patrol shall notify the submitting state agency of any  
12 criminal history information or lack of criminal history information discovered on the individual.  
13 Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal

14 history information discovered shall be accessible and available to the state agency making the  
15 record request.] **1. As provided by this section, agencies may submit fingerprints to the**  
16 **Missouri state highway patrol, Missouri criminal records repository, for the purpose of**  
17 **checking the fingerprinted individual's criminal history. Such agencies seeking such**  
18 **criminal history checks shall submit two sets of fingerprints of the individual. The first set**  
19 **shall be used to search the Missouri criminal records repository and the second set shall**  
20 **be used for searching the federal criminal history files if necessary. The fingerprints shall**  
21 **be submitted on forms and in the manner prescribed by the Missouri state highway patrol.**  
22 **Fees assessed for the researches shall be paid in the manner prescribed by the Missouri**  
23 **state highway patrol.**

24 **2. The following agencies shall be eligible to utilize the fingerprint criminal history**  
25 **check system provided by this section:**

26 **(a) Any state agency listed in section 621.045, RSMo, for persons seeking**  
27 **employment with such agency or issuance or renewal of a license, permit, certificate, or**  
28 **registration of authority from such agency;**

29 **(b) Any state agency which provides or oversees programs, care, treatment or**  
30 **supervision for youth, elderly or disabled persons, for persons seeking employment with**  
31 **such agency or issuance or renewal of a license, permit, certificate, or registration of**  
32 **authority from such agency;**

33 **(c) Any state agency or committee which is authorized by state statute or executive**  
34 **order to screen applicants or candidates seeking or considered for employment, assignment**  
35 **or appointment to a position within state government;**

36 **(d) The Missouri police officers standards and training (POST) commission, for**  
37 **persons not employed by a criminal justice agency who seek enrollment or access to a**  
38 **certified POST training academy police school;**

39 **(e) Criminal justice agencies, for persons under contract or agreement who have**  
40 **access to criminal justice facilities, documents or records; and**

41 **(f) Law enforcement agencies, for persons seeking issuance or renewal of a license,**  
42 **permit, certificate or registration of authority from such agency, including but not limited**  
43 **to watchman, security personnel, private investigators and persons seeking permits to**  
44 **purchase or possess firearms.**

302.225. 1. Every court having jurisdiction over offenses committed under sections  
2 302.010 to 302.780, or any other law of this state, or county or municipal ordinance, regulating  
3 the operation of vehicles on highways, shall, [within ten days thereafter] **without undue delay**,  
4 forward to the Missouri state highway patrol, or at the written direction of the Missouri state  
5 highway patrol, to the department of revenue, in a manner approved by the director of the

6 department of public safety a record of any plea or finding of guilty of any person in the court  
7 for a violation of sections 302.010 to 302.780 or for any moving traffic violation under the laws  
8 of this state or county or municipal ordinances. The record related to offenses involving alcohol,  
9 controlled substances, or drugs shall be entered in the Missouri uniform law enforcement system  
10 records. The record of all convictions involving the assessment of points as provided in section  
11 302.302 and convictions involving a commercial motor vehicle as defined in section 302.700  
12 furnished by a court to the highway patrol and not to the department of revenue shall be  
13 forwarded by the highway patrol within fifteen days of receipt to the director of revenue.

14 2. Whenever any person is convicted of any offense or series of offenses for which  
15 sections 302.010 to 302.340 makes mandatory the suspension or revocation of the license of such  
16 person by the director of revenue, the circuit court in which such conviction is had shall require  
17 the surrender to it of all licenses, then held by the person so convicted, and the court shall within  
18 ten days thereafter forward the same, together with a record of the conviction, to the director of  
19 revenue.

20 3. No municipal judge or municipal official shall have power to revoke any license.

455.040. 1. Not later than fifteen days after the filing of a petition pursuant to sections  
2 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that  
3 a continuance should be granted. At the hearing, if the petitioner has proved the allegation of  
4 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of  
5 protection for a period of time the court deems appropriate, except that the protective order shall  
6 be valid for at least one hundred eighty days and not more than one year. Upon motion by the  
7 petitioner, and after a hearing by the court, the full order of protection may be renewed for a  
8 period of time the court deems appropriate, except that the protective order shall be valid for at  
9 least one hundred eighty days and not more than one year from the expiration date of the  
10 originally issued full order of protection. If for good cause a hearing cannot be held on the  
11 motion to renew the full order of protection prior to the expiration date of the originally issued  
12 full order of protection, an ex parte order of protection may be issued until a hearing is held on  
13 the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order  
14 of protection may be renewed for an additional period of time the court deems appropriate,  
15 except that the protective order shall be valid for at least one hundred eighty days and not more  
16 than one year. For purposes of this subsection, a finding by the court of a subsequent act of  
17 abuse is not required for a renewal order of protection.

18 2. The court shall cause a copy of the petition and notice of the date set for the hearing  
19 on such petition and any ex parte order of protection to be served upon the respondent as  
20 provided by law or by any sheriff or police officer at least three days prior to such hearing. Such  
21 notice shall be served at the earliest time, and service of such notice shall take priority over

22 service in other actions, except those of a similar emergency nature. The court shall cause a copy  
23 of any full order of protection to be served upon or mailed by certified mail to the respondent at  
24 the respondent's last known address. Failure to serve or mail a copy of the full order of  
25 protection to the respondent shall not affect the validity or enforceability of a full order of  
26 protection.

27         3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085  
28 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where  
29 the petitioner resides. The clerk **having authority to enter orders into the Missouri uniform**  
30 **law enforcement system (MULES) through the court system shall enter the order into**  
31 **MULES as soon as practicable, or** shall [also] issue a copy of any order of protection to the  
32 local law enforcement agency responsible for maintaining the Missouri uniform law enforcement  
33 system or any other comparable law enforcement system the same day the order is granted. The  
34 law enforcement agency responsible for [maintaining MULES] **entering court orders into**  
35 **MULES for courts not having authority to enter orders into MULES through the court**  
36 **system** shall enter information contained in the order for purposes of verification within  
37 twenty-four hours from the time the order is granted. A notice of **extension, modification,**  
38 **expiration or [of] termination** of any order of protection shall be **entered into MULES as soon**  
39 **as practicable by the clerk of the court having authority to enter orders into MULES**  
40 **through the court system or shall be** issued to the local law enforcement agency and to the law  
41 enforcement agency responsible for [maintaining MULES or any other comparable law  
42 enforcement system] **entering court orders into MULES for courts not having authority to**  
43 **enter orders into MULES through the court system.** The law enforcement agency responsible  
44 for maintaining the applicable law enforcement system shall enter such information in the  
45 system.

610.120. 1. Records required to be closed shall not be destroyed; they shall be  
2 inaccessible to the general public and to all persons other than the defendant except as provided  
3 in this section and section 43.507, RSMo. They shall be available to [the sentencing advisory  
4 commission created in section 558.019, RSMo, for the purpose of studying sentencing practices,  
5 and only to courts, law enforcement agencies, child care agencies, department of revenue for  
6 driving record purposes, facilities as defined in section 198.006, RSMo, in-home services  
7 provider agencies as defined in section 660.250, RSMo, the division of workers' compensation  
8 for the purposes of determining eligibility for crime victims' compensation pursuant to sections  
9 595.010 to 595.075, RSMo, and federal agencies for purposes of prosecution, sentencing, parole  
10 consideration, criminal justice employment, child care employment, nursing home employment  
11 and to federal agencies for such investigative purposes as authorized by law or presidential  
12 executive order.]:

13           **(1) Criminal justice agencies for the administration of criminal justice pursuant to**  
14 **section 43.500, RSMo;**

15           **(2) Criminal justice employment and screening persons with access to criminal**  
16 **justice facilities, procedures and sensitive information;**

17           **(3) Law enforcement agencies for issuance or renewal of a license, permit,**  
18 **certification or registration of authority from such agency, including but not limited to**  
19 **watch persons, security personnel, private investigators and persons seeking permits to**  
20 **purchase, possess or carry a firearm;**

21           **(4) Those agencies authorized by section 43.543, RSMo, to submit and when**  
22 **submitting fingerprints to the central repository;**

23           **(5) The sentencing advisory commission created in section 558.019, RSMo, for the**  
24 **purpose of studying sentencing practices in accordance with section 43.507, RSMo;**

25           **(6) Qualified entities, as defined in section 43.540, RSMo, for purposes of screening**  
26 **providers;**

27           **(7) The department of revenue for driver license administration;**

28           **(8) The division of workers' compensation for the purpose of determining eligibility**  
29 **for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo;**

30           **(9) Federal agencies for purposes of criminal justice administration, criminal**  
31 **justice employment, child, elderly, or disabled care and for such investigative purposes as**  
32 **authorized by law or presidential executive order.**

33           **2. These records shall be made available for the [above] purposes [regardless of any**  
34 **previous statutory provision which had closed such records to certain agencies or for certain**  
35 **purposes] and to the entities listed in this section. A criminal justice agency receiving a**  
36 **request for criminal history information under its control may require positive**  
37 **identification, to include fingerprints of the subject of the record search, prior to releasing**  
38 **closed record information. Dissemination of closed and open records from the Missouri**  
39 **criminal records repository shall be in accordance with administrative rules and**  
40 **regulations established in accordance with section 43.509, RSMo. All records which are**  
41 **closed records shall be removed from the records of the courts, administrative agencies, and law**  
42 **enforcement agencies which are available to the public and shall be kept in separate records**  
43 **which are to be held confidential and, where possible, pages of the public record shall be retyped**  
44 **or rewritten omitting those portions of the record which deal with the defendant's case. If**  
45 **retyping or rewriting is not feasible because of the permanent nature of the record books, such**  
46 **record entries shall be blacked out and recopied in a confidential book.**

47           **[2. As used in this section, the term "child care" includes providers and youth services**  
48 **agencies as those terms are defined in section 43.540, RSMo, elementary and secondary school**

49 teachers, and elementary and secondary school bus drivers, whether such drivers are employed  
50 by a school or an entity which has contracted with the school to provide transportation services.]