

HCS HB 331 -- STATE HIGHWAY PATROL

SPONSOR: Bruns (Lipke)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 10 to 0.

This substitute allows the Superintendent of the State Highway Patrol to direct members and other employees of the patrol to carry out any public safety duty or service authorized or appropriated by the General Assembly. The Governor nor the superintendent can order any member of the patrol to perform any duty or service not authorized under state statute. The patrol is authorized to conduct criminal background checks on gubernatorial appointees who are subject to Senate confirmation. Information received by the patrol must be kept confidential and cannot be disclosed to anyone other than the Governor and/or members of the Governor's staff as necessary to determine the appointee's qualifications.

The substitute also specifies that the patrol will be divided into troops rather than districts and removes the requirement that the superintendent must reside in Jefferson City and be a uniformed member of the patrol. The superintendent is authorized to enter into an agreement with the Missouri Gaming Commission regarding the enforcement of any law or regulation and conducting background investigations related to the laws of this state and the regulation of licensed gaming activities.

Subject to appropriation, any retired employee of the patrol required to perform as a witness in any official court proceeding at least 30 miles from his or her place of residence will receive a per diem up to \$100, mileage reimbursement, and reimbursement of the necessary travel expenses incurred.

Currently, any entity requesting criminal history record information not based on a fingerprint search must pay up to \$5 per request. The substitute increases the amount to up to \$9. After January 1, 2010, the superintendent of the patrol may increase this fee up to an additional dollar per year, but cannot exceed \$15. Any entity requesting criminal history record information based on a fingerprint search will be required to pay a fee of up to \$20 per request. If the request is for a concealed carry endorsement, the fee will be \$14.

Any state agency may require the fingerprinting of applicants or employees in specified occupations for the purpose of positive identification and for receiving criminal history record information when determining the applicant's or employee's ability or fitness for a position.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Under \$100,000 in FY 2008, FY 2009, and FY 2010. Estimated Income on Other State Funds of \$2,831,613 to \$2,868,333 in FY 2008, \$3,405,280 to \$3,442,000 in FY 2009, and \$3,750,780 to \$3,787,500 in FY 2010.

PROPOSERS: Supporters say that the bill clarifies some outdated language and makes statutes consistent with current practices. The substitute also permits the State Highway Patrol to conduct name and fingerprint background investigations on gubernatorial appointees.

Testifying for the bill were Representative Lipke; and State Highway Patrol.

OPPOSERS: Those who oppose the bill say that there are concerns about the confidentiality of the investigation information.

Testifying against the bill was Carlene Holsey.