

SECOND REGULAR SESSION

HOUSE BILL NO. 1339

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SHUMAKE (Sponsor), WALKER AND HANSEN (Co-sponsors).

5226H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.535 and 43.543, RSMo, and to enact in lieu thereof two new sections relating to criminal background checks, with a penalty provision.

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

Section A. Sections 43.535 and 43.543, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 43.535 and 43.543, to read as follows:

43.535. 1. Law enforcement agencies within the state of Missouri may perform a Missouri criminal record review for only open records through the MULES system for the purpose of hiring of municipal or county governmental employees **or other political subdivision employees**. For each request, other than those related to the administration of criminal justice, the requesting entity shall pay a fee to the central repository, pursuant to section 43.530. For purposes of this section, "requesting entity" shall not be the law enforcement agency unless the request is made by the law enforcement agency for purposes of hiring law enforcement personnel.

2. Municipalities [and] , counties, **and other political subdivisions** may, by local or county ordinance **or political subdivision policy, rule, or regulation**, require the fingerprinting of applicants or licensees in specified occupations for the purpose of receiving criminal history record information by local [or] , county, **or other political subdivision** officials. A copy of the ordinance, **policy, rule, or regulation** must be forwarded for approval to the Missouri state highway patrol prior to the submission of fingerprints to the central repository. The local or county law enforcement agency, **or for a political subdivision the county law enforcement agency** shall submit a set of fingerprints of the applicant or licensee, accompanied with the appropriate fees, to the central repository for the purpose of checking the person's criminal

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 history. The set of fingerprints shall be used to search the Missouri criminal records repository
19 and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal
20 criminal history files if necessary. The fingerprints shall be submitted on forms and in the
21 manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of
22 section 610.120, all records related to any criminal history information discovered shall be
23 accessible and available to the municipal [or] , county, **or political subdivision** officials making
24 the record request.

25 3. All criminal record check information shall be confidential and any person who
26 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

43.543. Any state agency listed in section 621.045, the division of professional
2 registration of the department of insurance, financial institutions and professional registration,
3 the department of social services, the supreme court of Missouri, the state courts administrator,
4 the department of elementary and secondary education, the department of natural resources, the
5 Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency
6 which screens persons seeking employment with such agencies or issuance or renewal of a
7 license, permit, certificate, or registration of authority from such agencies; or any state,
8 municipal, or county agency or committee, **or political subdivision**, or state school of higher
9 education which is authorized by state statute or executive order, or local or county ordinance
10 to screen applicants or candidates seeking or considered for employment, assignment,
11 contracting, or appointment to a position within state, municipal, or county government; or the
12 Missouri peace officers standards and training, POST, commission which screens persons, not
13 employed by a criminal justice agency, who seek enrollment or access into a certified POST
14 training academy police school, or persons seeking a permit to purchase or possess a firearm for
15 employment as a watchman, security personnel, or private investigator; or law enforcement
16 agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or
17 registration to purchase or possess a firearm shall submit two sets of fingerprints to the Missouri
18 state highway patrol, Missouri criminal records repository, for the purpose of checking the
19 person's criminal history. The first set of fingerprints shall be used to search the Missouri
20 criminal records repository and the second set shall be submitted to the Federal Bureau of
21 Investigation to be used for searching the federal criminal history files if necessary. The
22 fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state
23 highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner
24 prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section
25 610.120, all records related to any criminal history information discovered shall be accessible
26 and available to the state, municipal, or county agency making the record request.

✓