

FIRST REGULAR SESSION

HOUSE BILL NO. 1172

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAEFNER.

2260H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.505, 43.530, and 513.653, RSMo, and to enact in lieu thereof three new sections relating to the administration of public safety.

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

Section A. Sections 43.505, 43.530, and 513.653, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 43.505, 43.530, and 513.653, to read as follows:

43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

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.

16 (4) Annually publish a report on the nature and extent of crime and submit such report
17 to the governor and the general assembly. Such report and other statistical reports shall be made
18 available to state and local law enforcement agencies and the general public through an
19 electronic or manual medium;

20 (5) Maintain the privacy and security of information in accordance with applicable state
21 and federal laws, regulations and orders; and

22 (6) Establish such rules and regulations as are necessary for implementing the provisions
23 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
24 created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
26 This section and chapter 536 are nonseverable and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
28 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
29 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

30 3. Every law enforcement agency in the state shall:

31 (1) Submit crime incident reports to the department of public safety on forms or in the
32 format prescribed by the department; and

33 (2) Submit any other crime incident information which may be required by the
34 department of public safety.

35 ~~[4. Any law enforcement agency that violates this section may be ineligible to receive~~
36 ~~state or federal funds which would otherwise be paid to such agency for law enforcement, safety~~
37 ~~or criminal justice purposes.]~~

43.530. 1. For each request requiring the payment of a fee received by the central
2 repository, the requesting entity shall pay a fee of not more than nine dollars per request for
3 criminal history record information not based on a fingerprint search. In each year beginning on
4 or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by
5 an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid
6 by requesting entities exceed fifteen dollars per request.

7 2. For each request requiring the payment of a fee received by the central repository, the
8 requesting entity shall pay a fee of not more than twenty dollars per request for criminal history
9 record information based on a fingerprint search, unless the request is required under the
10 provisions of subdivision (6) of section 210.481, section 210.487, or section 571.101, in which
11 case the fee shall be fourteen dollars.

12 3. A request made under subsections 1 and 2 of this section shall be limited to check and
13 search on one individual. Each request shall be accompanied by a check, warrant, voucher,
14 money order, or electronic payment payable to the state of Missouri-criminal record system or

15 payment shall be made in a manner approved by the highway patrol. The highway patrol may
16 establish procedures for receiving requests for criminal history record information for
17 classification and search for fingerprints, from courts and other entities, and for the payment of
18 such requests. There is hereby established by the treasurer of the state of Missouri a fund to be
19 entitled as the "Criminal Record System Fund". **No moneys may be expended from the fund**
20 **without approval of the director of the department of public safety. A portion of these**
21 **funds, to be determined by the director of the department of public safety, shall be made**
22 **available to local and county law enforcement agencies by way of a grant.** Notwithstanding
23 the provisions of section 33.080 to the contrary, if the moneys collected and deposited into this
24 fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543,
25 the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in
26 the fund to accumulate from year to year.

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system
2 under federal law shall file a report regarding federal seizures and the proceeds therefrom. Such
3 report shall be filed annually by ~~[January thirty-first]~~ **February fifteenth** for the previous
4 calendar year with the ~~[department of public safety and the]~~ state auditor's office. The report for
5 the calendar year shall ~~[include the type and value of items seized and turned over to the federal~~
6 ~~forfeiture system, the beginning balance as of January first of federal forfeiture funds or assets~~
7 ~~previously received and not expended or used, the proceeds received from the federal~~
8 ~~government (the equitable sharing amount), the expenditures resulting from the proceeds~~
9 ~~received, and the ending balance as of December thirty-first of federal forfeiture funds or assets~~
10 ~~on hand. The department of public safety shall not issue funds to any law enforcement agency~~
11 ~~that fails to comply with the provisions of this section]~~ **consist of a copy of the federal form**
12 **entitled "ACA Form - Equitable Sharing Agreement and Certification" which is identical**
13 **to the form submitted in that year to the federal government.**

14 2. Intentional or knowing failure to comply with the reporting requirement contained in
15 this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.

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