

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 2194

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CONWAY (104).

5975H.01P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, and to enact in lieu thereof nineteen new sections relating to criminal history reporting laws, with penalty provisions.

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

Section A. Sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 2 43.540, 43.543, 43.546, 43.547, 192.2495, 210.482, 210.487, 302.060, 313.810, and 610.120, 3 RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 4 43.225, 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 5 43.547, 192.2495, 210.482, 210.487, 302.060, 313.810, and 610.120, to read as follows:

**43.225. 1. A record of the disposition in any court proceeding involving any**  
2 **criminal offense that resulted in a felony conviction shall be forwarded to the department**  
3 **of revenue within seven days by the clerk of the court in which the proceeding was held.**  
4 **The records shall be forwarded by the department of revenue, within fifteen days of**  
5 **receipt, to the Missouri state highway patrol and shall be entered by the highway patrol**  
6 **in the Missouri uniform law enforcement system records. Dispositions that shall be**  
7 **reported are guilty pleas, findings of guilt, suspended execution of sentence, conditional**  
8 **sentences, sentences of confinement, and any other such felony dispositions that may be**  
9 **required under state or federal regulations. The record forwarded by the clerk shall**  
10 **clearly state the name of the court, the court case number, the name and address of the**

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.

11 **person who is the subject of the proceeding, the code or number identifying the particular**  
12 **arrest, and any court action or requirements pertaining thereto.**

13 **2. All records received by the Missouri state highway patrol or the department of**  
14 **revenue under the provisions of this section shall be entered in the Missouri uniform law**  
15 **enforcement system records and maintained by the Missouri state highway patrol.**  
16 **Records placed in the Missouri uniform law enforcement system under the provisions of**  
17 **this section shall be made available to any law enforcement officer in this state, any**  
18 **prosecuting or circuit attorney in this state, or to any judge of a municipal or state court**  
19 **upon request.**

20 **3. A person commits the offense of refusal to furnish records of disposition if he or**  
21 **she is required to furnish records to the Missouri state highway patrol or department of**  
22 **revenue under this section and purposely refuses to furnish such records. The offense of**  
23 **refusal to furnish records of disposition is a class D misdemeanor.**

43.500. As used in sections 43.500 to ~~[43.543]~~ **43.550**, the following terms mean:

2 (1) "Administration of criminal justice", performance of any of the following activities:  
3 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,  
4 correctional supervision, or rehabilitation of accused persons or criminal offenders. The  
5 administration of criminal justice shall include criminal identification activities and the  
6 collection, storage, and dissemination of criminal history information, including fingerprint  
7 searches, photographs, ~~[and]~~ other unique biometric identification, **and the process of**  
8 **employing law enforcement personnel;**

9 (2) "Central repository", the division within the Missouri state highway patrol  
10 responsible for compiling and disseminating complete and accurate criminal history records ~~[and~~  
11 ~~for compiling, maintaining, and disseminating criminal incident and arrest reports]~~ and statistics;

12 (3) "Committee", criminal records and justice information advisory committee;

13 (4) "Comparable ordinance violation", a violation of an ordinance having all the essential  
14 elements of a statutory felony or a class A misdemeanor;

15 (5) "Criminal history record information", information collected by criminal justice  
16 agencies on individuals consisting of identifiable descriptions and notations of arrests,  
17 detentions, indictments, informations, or other formal criminal charges, and any disposition  
18 arising therefrom, sentencing, correctional supervision, and release;

19 (6) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage  
20 it occurs in the criminal justice system;

21 (7) "Missouri charge code", a unique number assigned by the office of state courts  
22 administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the  
23 complete charge code shall consist of digits assigned by the office of state courts administrator,

24 the two-digit national crime information center modifiers and a single digit designating attempt,  
25 accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that  
26 are not using the statewide court automation case management pursuant to section 476.055; the  
27 effective date will be as soon thereafter as economically feasible for all other courts;

28 (8) "State offense cycle number", a unique number, supplied by or approved by the  
29 Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number,  
30 OCN, is used to link the identity of a person, through unique biometric identification, to one or  
31 many offenses for which the person is arrested or charged. The OCN will be used to track an  
32 offense incident from the date of arrest to the final disposition when the offender exits from the  
33 criminal justice system;

34 (9) "Unique biometric identification", automated methods of recognizing and identifying  
35 an individual based on a physiological characteristic. Biometric identification methods may  
36 include but are not limited to facial recognition, fingerprints, palm prints, hand geometry, iris  
37 recognition, and retinal scan.

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 court, the department of corrections,  
3 the sheriff of each county, the chief law enforcement official of a city not within a county and  
4 the prosecuting attorney of each county or the circuit attorney of a city not within a county shall  
5 submit certain criminal arrest, charge, and disposition information to the central repository for  
6 filing without undue delay in the form and manner required by sections 43.500 to ~~43.543~~  
7 **43.550**.

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 photograph, and if available, any other unique biometric identification collected, charges,  
11 appropriate charge codes, and descriptions of all persons who are arrested for such offenses on  
12 standard fingerprint forms supplied or approved by the highway patrol or electronically in a  
13 format and manner approved by the highway patrol and in compliance with the standards set by  
14 the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its  
15 successor program. All such agencies shall also notify the central repository of all decisions not  
16 to refer such arrests for prosecution. An agency making such arrests may enter into arrangements  
17 with other law enforcement agencies for the purpose of furnishing without undue delay such  
18 fingerprints, photograph, and if available, any other unique biometric identification collected,  
19 charges, appropriate charge codes, and descriptions to the central repository upon its behalf.

20 3. In instances where an individual less than seventeen years of age and not currently  
21 certified as an adult is taken into custody for an offense which would be a felony if committed  
22 by an adult, the arresting officer shall take fingerprints for the central repository. These

23 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol  
24 or transmitted electronically in a format and manner approved by the highway patrol and in  
25 compliance with the standards set by the Federal Bureau of Investigation in its Automated  
26 Fingerprint Identification System or its successor program. The fingerprint cards shall be so  
27 constructed that the name of the juvenile should not be made available to the central repository.  
28 The individual's name and the unique number associated with the fingerprints and other pertinent  
29 information shall be provided to the court of jurisdiction by the agency taking the juvenile into  
30 custody. The juvenile's fingerprints and other information shall be forwarded to the central  
31 repository and the courts without undue delay. The fingerprint information from the card shall  
32 be captured and stored in the automated fingerprint identification system operated by the central  
33 repository. In the event the fingerprints are found to match other tenprints or unsolved latent  
34 prints, the central repository shall notify the submitting agency who shall notify the court of  
35 jurisdiction as per local agreement. Under section 211.031, in instances where a juvenile over  
36 fifteen and one-half years of age is alleged to have violated a state or municipal traffic ordinance  
37 or regulation, which does not constitute a felony, and the juvenile court does not have  
38 jurisdiction, the juvenile shall not be fingerprinted unless certified as an adult.

39         4. Upon certification of the individual as an adult, the certifying court shall order a law  
40 enforcement agency to immediately fingerprint and photograph the individual and certification  
41 papers will be forwarded to the appropriate law enforcement agency with the order for  
42 fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and  
43 certification papers to the central repository within fifteen days and shall furnish the offense  
44 cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney  
45 of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If  
46 the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting  
47 attorney shall notify within fifteen days the central repository of the change of status of the  
48 juvenile. Records of a child who has been fingerprinted and photographed after being taken into  
49 custody shall be closed records as provided under section 610.100 if a petition has not been filed  
50 within thirty days of the date that the child was taken into custody; and if a petition for the child  
51 has not been filed within one year of the date the child was taken into custody, any records  
52 relating to the child concerning the alleged offense may be expunged under the procedures in  
53 sections 610.122 to 610.126.

54         5. The prosecuting attorney of each county or the circuit attorney of a city not within a  
55 county or the municipal prosecuting attorney shall notify the central repository on standard forms  
56 supplied by the highway patrol or in a manner approved by the highway patrol of his or her  
57 decision to not file a criminal charge on any charge referred to such prosecuting attorney or  
58 circuit attorney for criminal charges. All records forwarded to the central repository and the

59 courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include  
60 the state offense cycle number of the offense, the charge code for the offense, and the originating  
61 agency identifier number of the reporting prosecutor, using such numbers as assigned by the  
62 highway patrol.

63         6. The clerk of the courts of each county or city not within a county or municipal court  
64 clerk shall furnish the central repository, on standard forms supplied by the highway patrol or  
65 in a manner approved by the highway patrol, with a record of all charges filed, including all those  
66 added subsequent to the filing of a criminal court case, amended charges, and all final  
67 dispositions of cases for which the central repository has a record of an arrest or a record of  
68 fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for  
69 each charge:

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

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

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

77             (4) The offense cycle number of the offense, and the originating agency identifier  
78 number of the sentencing court, using such numbers as assigned by the highway patrol.

79         7. The clerk of the courts of each county or city not within a county shall furnish, to the  
80 department of corrections or department of mental health, court judgment and sentence  
81 documents and the state offense cycle number and the charge code of the offense which resulted  
82 in the commitment or assignment of an offender to the jurisdiction of the department of  
83 corrections or the department of mental health if the person is committed pursuant to chapter  
84 552. This information shall be reported to the department of corrections or the department of  
85 mental health at the time of commitment or assignment. If the offender was already in the  
86 custody of the department of corrections or the department of mental health at the time of such  
87 subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the  
88 appropriate department by certified mail, return receipt requested, or in a manner and format  
89 mutually agreed to, within fifteen days of such disposition.

90         8. Information and fingerprints, photograph and if available, any other unique biometric  
91 identification collected, forwarded to the central repository, normally obtained from a person at  
92 the time of the arrest, may be obtained at any time the subject is in the criminal justice system  
93 or committed to the department of mental health. A law enforcement agency or the department  
94 of corrections may fingerprint, photograph, and capture any other unique biometric identification

95 of the person unless collecting other unique biometric identification of the person is not  
96 financially feasible for the law enforcement agency, and obtain the necessary information at any  
97 time the subject is in custody. If at the time of any court appearance, the defendant has not been  
98 fingerprinted and photographed for an offense in which a fingerprint and photograph is required  
99 by statute to be collected, maintained, or disseminated by the central repository, the court shall  
100 order a law enforcement agency or court marshal to fingerprint and photograph immediately the  
101 defendant. The order for fingerprints shall contain the offense, charge code, date of offense, and  
102 any other information necessary to complete the fingerprint card. The law enforcement agency  
103 or court marshal shall submit such fingerprints, photograph, and if available, any other unique  
104 biometric identification collected, to the central repository without undue delay and within thirty  
105 days and shall furnish the offense cycle number associated with the fingerprints to the  
106 prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of  
107 the court ordering the subject fingerprinted.

108 9. The department of corrections and the department of mental health shall furnish the  
109 central repository with all information concerning the receipt, escape, execution, death, release,  
110 pardon, parole, commutation of sentence, granting of executive clemency, legal name change,  
111 or discharge of an individual who has been sentenced to that department's custody for any  
112 offenses which are mandated by law to be collected, maintained or disseminated by the central  
113 repository. All records forwarded to the central repository by the department as required by  
114 sections 43.500 to ~~[43.543]~~ **43.550** shall include the offense cycle number of the offense, and the  
115 originating agency identifier number of the department using such numbers as assigned by the  
116 highway patrol.

43.504. Notwithstanding section 610.120, the sheriff of any county, the sheriff of the city  
2 of St. Louis, and the judges of the circuit courts of this state may make available, for review,  
3 information obtained from the central repository to private entities responsible for probation  
4 supervision pursuant to sections 559.600 to 559.615. When the term of probation is completed  
5 or when the material is no longer needed for purposes related to the probation, it shall be  
6 returned to the court or destroyed. **Criminal history information obtained from the central**  
7 **repository may be made available to private entities responsible for providing services**  
8 **associated with drug treatment courts under sections 478.001 to 478.008.** The private  
9 entities shall not use or make this information available to any other person for any other  
10 purpose.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to  
2 ~~[43.543]~~ **43.550** include all felonies; class A misdemeanors; all violations for driving under the  
3 influence of drugs or alcohol; any offense that can be enhanced to a class A misdemeanor or  
4 higher for subsequent violations; and comparable ordinance violations consistent with the

5 reporting standards established by the National Crime Information Center, Federal Bureau of  
6 Investigation, for the Federal Interstate Identification Index System; and all cases arising under  
7 chapter 566. The following types of offenses shall not be considered reportable for the purposes  
8 of sections 57.403, 43.500 to ~~[43.543]~~ **43.550**, and 595.200 to 595.218: nonspecific charges of  
9 suspicion or investigation, general traffic violations and all misdemeanor violations of the state  
10 wildlife code. All offenses considered reportable shall be reviewed annually and noted in the  
11 Missouri charge code manual established in section 43.512. All information collected pursuant  
12 to sections 43.500 to ~~[43.543]~~ **43.550** shall be available only as set forth in section 610.120.

13         2. Law enforcement agencies, court clerks, prosecutors and custody agencies may report  
14 required information by electronic medium either directly to the central repository or indirectly  
15 to the central repository via other criminal justice agency computer systems in the state with the  
16 approval of the highway patrol, based upon standards established by the advisory committee.

17         3. In addition to the repository of fingerprint records for individual offenders and  
18 applicants, the central repository of criminal history and identification records for the state shall  
19 maintain a repository of latent prints, palm prints and other unique biometric identification  
20 submitted to the repository.

       43.509. The director of the department of public safety shall, in accordance with the  
2 provisions of chapter 536, establish such rules and regulations as are necessary to implement the  
3 provisions of sections 43.500 to ~~[43.543]~~ **43.550**. All collection and dissemination of criminal  
4 history information shall be in compliance with chapter 610 and applicable federal laws or  
5 regulations. Such rules shall relate to the collection of criminal history information from or  
6 dissemination of such information to criminal justice, noncriminal justice, and private agencies  
7 or citizens both in this and other states. No rule or portion of a rule promulgated under the  
8 authority of sections 43.500 to ~~[43.543]~~ **43.550** shall become effective unless it has been  
9 promulgated pursuant to the provisions of section 536.024.

       43.527. For purposes of sections 43.500 to ~~[43.543]~~ **43.550** all federal and nonstate of  
2 Missouri agencies and persons shall pay for criminal records checks, fingerprint searches, and  
3 any of the information as defined in subdivision (4) of section 43.500, when such information  
4 is not related to the administration of criminal justice. There shall be no charge for information  
5 supplied to criminal justice agencies for the administration of criminal justice. For purposes of  
6 sections 43.500 to ~~[43.543]~~ **43.550** the administration of criminal justice is defined in  
7 subdivision (1) of section 43.500 and shall be available only as set forth in section 610.120.

       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". Notwithstanding the provisions of section  
20 33.080 to the contrary, if the moneys collected and deposited into this fund are not totally  
21 expended annually for the purposes set forth in sections 43.500 to [43.543] **43.550**, the  
22 unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the  
23 fund to accumulate from year to year.

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

8 ~~———2.]~~ Municipalities and counties may, by local or county ordinance, require the  
9 fingerprinting of applicants or licensees in specified occupations for the purpose of receiving  
10 criminal history record information by local or county officials. A copy of the ordinance must  
11 be forwarded for approval to the Missouri state highway patrol prior to the submission of  
12 fingerprints to the central repository. The local or county law enforcement agency shall submit  
13 a set of fingerprints of the applicant or licensee, accompanied with the appropriate fees, to the  
14 central repository for the purpose of checking the person's criminal history **under section 43.540**.  
15 The set of fingerprints shall be used to search the Missouri criminal records repository and shall  
16 be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal  
17 history files if necessary. The fingerprints shall be submitted on forms and in the manner

18 prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section  
19 610.120, all records related to any criminal history information discovered shall be accessible  
20 and available to the municipal or county officials making the record request.

21 ~~[3-]~~ 2. All criminal record check information shall be confidential and any person who  
22 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

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

2 (1) [~~"Authorized state agency", a division of state government or an office of state~~  
3 ~~government designated by the statutes of Missouri to issue or renew a license, permit,~~  
4 ~~certification, or registration of authority to a qualified entity]~~ **"Applicant", a person who:**

5 **(a) Is actively employed by or seeks employment with a qualified entity;**

6 **(b) Is actively licensed or seeks licensure with a qualified entity;**

7 **(c) Is actively volunteering or seeks to volunteer with a qualified entity;**

8 **(d) Is actively contracted with or seeks to contract with a qualified entity; or**

9 **(e) Owns or operates a qualified entity;**

10 (2) "Care", the provision of care, treatment, education, training, instruction, supervision,  
11 or recreation;

12 (3) "Missouri criminal record review", a review of criminal history records and sex  
13 offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri  
14 state highway patrol in the Missouri criminal records repository;

15 (4) **"Missouri rap back program", any type of automatic notification made by the**  
16 **Missouri state highway patrol to a qualified entity indicating that an applicant who is**  
17 **employed, licensed, or otherwise under the purview of that entity has been arrested for a**  
18 **reported criminal offense in the state as required under section 43.506;**

19 (5) "National criminal record review", a review of the criminal history records  
20 maintained by the Federal Bureau of Investigation;

21 (6) **"National Rap Back Program", any type of automatic notification made by the**  
22 **Federal Bureau of Investigation through the Missouri state highway patrol to a qualified**  
23 **entity indicating that an applicant who is employed, licensed, or otherwise under the**  
24 **purview of that entity has been arrested for a reported criminal offense outside the state**  
25 **and the fingerprints for that arrest were forwarded by the Federal Bureau of Investigation**  
26 **by the arresting agency;**

27 ~~[(5)]~~ (7) "Patient or resident", a person who by reason of age, illness, disease or physical  
28 or mental infirmity receives or requires care or services furnished by ~~[a provider]~~ **an applicant,**  
29 as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or  
30 accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four  
31 consecutive hours;

32 ~~[(6) "Provider", a person who:~~

33 ~~—— (a) Has or may have unsupervised access to children, the elderly, or persons with~~  
 34 ~~disabilities; and~~

35 ~~—— (b) a. Is employed by or seeks employment with a qualified entity; or~~

36 ~~—— b. Volunteers or seeks to volunteer with a qualified entity; or~~

37 ~~—— c. Owns or operates a qualified entity;~~

38 ~~—— (7)] (8) "Qualified entity" [;] :~~

39 (a) A person, business, or organization, whether public or private, for profit, not for  
 40 profit, or voluntary, that provides care, **care** placement, or educational services for children, the  
 41 elderly, or persons with disabilities as patients or residents, including a business or organization  
 42 that licenses or certifies others to provide care or **care** placement services;

43 (b) **An office or division of state, county, or municipal government, to include a**  
 44 **political subdivision or a board or commission, designated by the statute, or approved local**  
 45 **ordinance to issue or renew a license, permit, certification, or registration of authority;**

46 (c) **An office or division of state, county, or municipal government, to include a**  
 47 **political subdivision or a board or commission, designated by state statute, or approved**  
 48 **local ordinance to make fitness determinations on applications for state, county, or**  
 49 **municipal government employment;**

50 (d) **A criminal justice agency, to include law enforcement agencies that screen**  
 51 **persons seeking issuance or renewal of a license, permit, certificate, or registration to**  
 52 **purchase or possess a firearm; or**

53 (e) **Any entity that is authorized to conduct fingerprint- based criminal record**  
 54 **reviews pursuant to Public Law 92-544, the National Child Protection Act, as amended by**  
 55 **the Volunteers for Children Act, the Adam Walsh Act, the Edward M. Kennedy Serve**  
 56 **America Act, or other applicable federal law;**

57 ~~[(8)] (9) "Youth services agency", any public or private agency, school, or association~~  
 58 ~~which provides programs, care or treatment for or which exercises supervision over minors.~~

59 2. ~~[A qualified entity may obtain a Missouri criminal record review of a provider from~~  
 60 ~~the highway patrol by furnishing information on forms and in the manner approved by the~~  
 61 ~~highway patrol.~~

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

68 ~~———— (1) Two sets of fingerprints of the provider if a national criminal record review is~~  
69 ~~requested;~~

70 ~~———— (2) A statement signed by the provider which contains:~~

71 ~~———— (a) The provider's name, address, and date of birth;~~

72 ~~———— (b) Whether the provider has been convicted of or has pled guilty to a crime which~~  
73 ~~includes a suspended imposition of sentence;~~

74 ~~———— (c) If the provider has been convicted of or has pled guilty to a crime, a description of~~  
75 ~~the crime, and the particulars of the conviction or plea;~~

76 ~~———— (d) The authority of the qualified entity to check the provider's criminal history;~~

77 ~~———— (e) The right of the provider to review the report received by the qualified entity; and~~

78 ~~———— (f) The right of the provider to challenge the accuracy of the report. If the challenge is~~  
79 ~~to the accuracy of the criminal record review, the challenge shall be made to the highway patrol.~~

80 ~~———— 4. The authorized state agency shall forward the required forms and fees to the highway~~  
81 ~~patrol. The results of the record review shall be forwarded to the authorized state agency who~~  
82 ~~will notify the qualified entity. The authorized state agency may assess a fee to the qualified~~  
83 ~~entity to cover the cost of handling the criminal record review and may establish an account~~  
84 ~~solely for the collection and dissemination of fees associated with the criminal record reviews]~~

85 **The central repository shall have the authority to submit applicant fingerprints to the**  
86 **National Rap Back Program to be retained for the purpose of being searched against**  
87 **future submissions to the National Rap Back Program, including latent fingerprint**  
88 **searches. Qualified entities may conduct Missouri and national criminal record reviews**  
89 **on applicants and participate in Missouri and National Rap Back programs for the**  
90 **purpose of determining suitability or fitness for a permit, license, or employment and shall**  
91 **abide by the following requirements:**

92 **(1) The qualified entity shall register with the Missouri state highway patrol before**  
93 **submitting a request for screening under this section. As part of this registration, the**  
94 **qualified entity shall indicate if it chooses to enroll its applicants in the Missouri or**  
95 **National Rap Back programs, or both;**

96 **(2) Qualified entities shall notify applicants subject to a criminal record review**  
97 **under this section that their fingerprints shall be retained by the state central repository**  
98 **and the Federal Bureau of Investigation and shall be searched against other fingerprints**  
99 **on file including latent fingerprints;**

100 **(3) Qualified entities shall notify applicants subject to enrollment in the National**  
101 **Rap Back Program that their fingerprints, while retained, may continue to be compared**  
102 **against other fingerprints submitted or retained by the Federal Bureau of Investigation**  
103 **including latent fingerprints;**

104           **(4) The criminal record review and rap back process described in this section shall**  
105 **be voluntary and conform to the requirements established in the National Child Protection**  
106 **Act of 1993, as amended, and other applicable state or federal law. As a part of the**  
107 **registration, the qualified entity shall agree to comply with state and federal law and shall**  
108 **indicate so by signing an agreement approved by the highway patrol. The highway patrol**  
109 **may periodically audit qualified entities to ensure compliance with federal law and this**  
110 **section;**

111           **(5) A qualified entity shall submit to the highway patrol a request for screening on**  
112 **applicants covered by this section using a completed fingerprint card;**

113           **(6) Each request shall be accompanied by a reasonable fee, as provided in section**  
114 **43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the**  
115 **national criminal record review and enrollment in the National Rap Back Program in**  
116 **compliance with the National Child Protection Act of 1993, as amended or any other**  
117 **applicable state or federal laws;**

118           **(7) The highway patrol shall provide directly to the qualified entity the state**  
119 **criminal history records that are not exempt from disclosure under chapter 610 or**  
120 **otherwise confidential under law;**

121           **(8) The national criminal history data shall be used only by qualified entities for**  
122 **the purpose of screening applicants as defined in this section. The highway patrol shall**  
123 **provide this national criminal history record information directly to the qualified entity;**

124           **(9) The determination whether the criminal history record shows that the applicant**  
125 **has been convicted of or has a pending charge for any crime that bears upon the fitness of**  
126 **the applicant to have responsibility for the safety and well-being of children, the elderly,**  
127 **or disabled persons shall be made solely by the qualified entity. This section shall not**  
128 **require the highway patrol to make such a determination on behalf of any qualified entity;**

129           **(10) The qualified entity shall notify the applicant in writing of his or her right to**  
130 **obtain a copy of any background screening report, including the criminal history records,**  
131 **if any, contained in the report, and of the applicant's right to challenge the accuracy and**  
132 **completeness of any information contained in any such report and to obtain a**  
133 **determination as to the validity of such challenge before a final determination regarding**  
134 **the applicant is made by the qualified entity reviewing the criminal history information.**  
135 **A qualified entity that is required by law to apply screening criteria, including any right**  
136 **to contest or request an exemption from disqualification, shall apply such screening criteria**  
137 **to the state and national criminal history record information received from the highway**  
138 **patrol for those applicants subject to the required screening;**

139           **(11) A qualified entity is not liable for damages solely for failing to obtain the**  
140 **information authorized under this section with respect to an applicant. The state, any**  
141 **political subdivision of the state, or any agency, officer, or employee of the state or a**  
142 **political subdivision is not liable for damages for providing the information requested**  
143 **under this section.**

144           **3. The criminal record review shall include the submission of fingerprints to the**  
145 **Missouri state highway patrol for a Missouri criminal record review that shall include**  
146 **closed record information under section 610.120. The Missouri state highway patrol shall**  
147 **forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for**  
148 **a national criminal record review.**

149           **4. The applicant who is subject to a criminal record review shall provide the**  
150 **following information to the qualified entity:**

151           **(1) Consent to obtain the applicant's fingerprints, to conduct the criminal record**  
152 **review, and to participate in the Missouri and National Rap Back programs;**

153           **(2) Consent to obtain the identifying information required to conduct the criminal**  
154 **record review which may include, but not be limited to:**

155           **(a) Name;**

156           **(b) Date of birth;**

157           **(c) Height;**

158           **(d) Weight;**

159           **(e) Eye color;**

160           **(f) Hair color;**

161           **(g) Gender;**

162           **(h) Race;**

163           **(i) Place of birth;**

164           **(j) Social security number; and**

165           **(k) Photo.**

166           **5. Any information received by an authorized state agency or a qualified entity pursuant**  
167 **to the provisions of this section shall be used solely for internal purposes in determining the**  
168 **suitability of [a provider] an applicant. The dissemination of criminal history information from**  
169 **the Federal Bureau of Investigation beyond the authorized state agency or related governmental**  
170 **entity is prohibited. All criminal record check information shall be confidential and any person**  
171 **who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.**

172           **6. A qualified entity enrolled in either the Missouri or National Rap Back programs**  
173 **shall be notified by the Missouri state highway patrol that a new arrest has been reported**  
174 **on an applicant that is employed, licensed, or otherwise under the purview of the qualified**

175 **entity. Upon receiving the rap back notification, if the qualified entity deems that the**  
176 **applicant is still serving in an active capacity, the entity may request and receive the**  
177 **individual's updated criminal history record. This process shall only occur if:**

178 **(1) The agency has abided by all procedures and rules promulgated by the Missouri**  
179 **state highway patrol and the Federal Bureau of Investigation regarding the Missouri and**  
180 **National Rap Back programs;**

181 **(2) The individual upon which the rap back notification is being made has**  
182 **previously had a Missouri or national criminal record review completed for the qualified**  
183 **entity under this section within the previous six years; and**

184 **(3) The individual upon which the rap back notification is being made is a current**  
185 **employee, licensee, or otherwise still actively under the purview of the qualified entity.**

186 **7. The highway patrol shall make available or approve the necessary forms, procedures,**  
187 **and agreements necessary to implement the provisions of this section.**

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 state school of higher education which is  
9 authorized by state statute or executive order, or local or county ordinance to screen applicants  
10 or candidates seeking or considered for employment, assignment, contracting, or appointment  
11 to a position within state, municipal, or county government; or the Missouri peace officers  
12 standards and training, POST, commission which screens persons, not employed by a criminal  
13 justice agency, who seek enrollment or access into a certified POST training academy police  
14 school, or persons seeking a permit to purchase or possess a firearm for employment as a  
15 watchman, security personnel, or private investigator; or law enforcement agencies which screen  
16 persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase  
17 or possess a firearm shall submit ~~two sets of~~ fingerprints to the Missouri state highway patrol,  
18 Missouri criminal records repository, for the purpose of checking the person's criminal history  
19 **under section 43.540.** 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.

43.546. 1. Any state agency, board, or commission may require the fingerprinting of  
2 applicants in specified occupations or appointments within the state agency, board, or  
3 commission for the purpose of positive identification and receiving criminal history record  
4 information when determining an applicant's ability or fitness to serve in such occupation or  
5 appointment.

6 2. In order to facilitate the criminal background check under subsection 1 of this section  
7 on any person employed or appointed by a state agency, board, or commission, and in accordance  
8 with section 43.543, the applicant or employee shall submit a set of fingerprints collected under  
9 the standards determined by the Missouri highway patrol. The fingerprints and accompanying  
10 fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the  
11 state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau  
12 of Investigation for a national criminal background check **under section 43.540**.  
13 Notwithstanding the provisions of section 610.120, all records related to any criminal history  
14 information discovered shall be accessible and available to the state agency making the request.

43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall  
2 conduct name or fingerprint background investigations of gubernatorial appointees. The  
3 governor's directive shall state whether the background investigation shall be a name background  
4 investigation or a fingerprint background investigation. In addition, the patrol may, at the  
5 governor's direction, conduct other appropriate investigations to determine if an applicant or  
6 appointee is in compliance with section 105.262, and other necessary inquiries to determine the  
7 person's suitability for positions of public trust.

8 2. In order to facilitate the fingerprint background investigation under subsection 1 of  
9 this section, and in accordance with the provisions of section ~~[43.543]~~ **43.540**, the appointee shall  
10 submit a set of fingerprints collected under the standards determined by the Missouri highway  
11 patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded  
12 to the highway patrol to be used to search the state criminal history repository and the  
13 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal  
14 background check. Any background investigation conducted at the direction of the governor  
15 under subsection 1 of this section may include criminal history record information and other  
16 source information obtained by the highway patrol.

192.2495. 1. For the purposes of this section, the term "provider" means any person,  
2 corporation or association who:

3 (1) Is licensed as an operator pursuant to chapter 198;

4 (2) Provides in-home services under contract with the department of social services or  
5 its divisions;

6 (3) Employs health care providers as defined in section 376.1350 for temporary or  
7 intermittent placement in health care facilities;

8 (4) Is an entity licensed pursuant to chapter 197;

9 (5) Is a public or private facility, day program, residential facility or specialized service  
10 operated, funded or licensed by the department of mental health; or

11 (6) Is a licensed adult day care provider.

12 2. For the purpose of this section “patient or resident” has the same meaning as such  
13 term is defined in section 43.540.

14 3. Prior to allowing any person who has been hired as a full-time, part-time or temporary  
15 position to have contact with any patient or resident the provider shall, or in the case of  
16 temporary employees hired through or contracted for an employment agency, the employment  
17 agency shall prior to sending a temporary employee to a provider:

18 (1) Request a criminal background check as provided in section 43.540. Completion of  
19 an inquiry to the highway patrol for criminal records that are available for disclosure to a  
20 provider for the purpose of conducting an employee criminal records background check shall be  
21 deemed to fulfill the provider’s duty to conduct employee criminal background checks pursuant  
22 to this section; except that, completing the inquiries pursuant to this subsection shall not be  
23 construed to exempt a provider from further inquiry pursuant to common law requirements  
24 governing due diligence. If an applicant has not resided in this state for five consecutive years  
25 prior to the date of his or her application for employment, the provider shall request a nationwide  
26 check for the purpose of determining if the applicant has a prior criminal history in other states.  
27 The fingerprint cards and any required fees shall be sent to the highway patrol’s central  
28 repository. The ~~[first set of]~~ fingerprints shall be used for searching the state repository of  
29 criminal history information. If no identification is made, the ~~[second set of]~~ fingerprints shall  
30 be forwarded to the Federal Bureau of Investigation~~[-Identification Division,]~~ for the searching  
31 of the federal criminal history files. The patrol shall notify the submitting state agency of any  
32 criminal history information or lack of criminal history information discovered on the individual.  
33 The provisions relating to applicants for employment who have not resided in this state for five  
34 consecutive years shall apply only to persons who have no employment history with a licensed  
35 Missouri facility during that five-year period. Notwithstanding the provisions of section  
36 610.120, all records related to any criminal history information discovered shall be accessible  
37 and available to the provider making the record request; and

38 (2) Make an inquiry to the department of health and senior services whether the person  
39 is listed on the employee disqualification list as provided in section 192.2490.

40           4. When the provider requests a criminal background check pursuant to section 43.540,  
41 the requesting entity may require that the applicant reimburse the provider for the cost of such  
42 record check. When a provider requests a nationwide criminal background check pursuant to  
43 subdivision (1) of subsection 3 of this section, the total cost to the provider of any background  
44 check required pursuant to this section shall not exceed five dollars which shall be paid to the  
45 state. State funding and the obligation of a provider to obtain a nationwide criminal background  
46 check shall be subject to the availability of appropriations.

47           5. An applicant for a position to have contact with patients or residents of a provider  
48 shall:

49           (1) Sign a consent form as required by section 43.540 so the provider may request a  
50 criminal records review;

51           (2) Disclose the applicant's criminal history. For the purposes of this subdivision  
52 "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge  
53 and shall include any suspended imposition of sentence, any suspended execution of sentence  
54 or any period of probation or parole;

55           (3) Disclose if the applicant is listed on the employee disqualification list as provided  
56 in section 192.2490; and

57           (4) Disclose if the applicant is listed on any of the background checks in the family care  
58 safety registry established under section 210.903. A provider not otherwise prohibited from  
59 employing an individual listed on such background checks may deny employment to an  
60 individual listed on any of the background checks in such registry.

61           6. An applicant who knowingly fails to disclose his or her criminal history as required  
62 in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class  
63 A misdemeanor if the provider knowingly hires or retains a person to have contact with patients  
64 or residents and the person has been found guilty in this state or any other state or has been found  
65 guilty of a crime, which if committed in Missouri would be a class A or B felony violation of  
66 chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020.

67           7. Any in-home services provider agency or home health agency shall be guilty of a class  
68 A misdemeanor if such agency knowingly employs a person to provide in-home services or home  
69 health services to any in-home services client or home health patient and such person either  
70 refuses to register with the family care safety registry or is listed on any of the background check  
71 lists in the family care safety registry pursuant to sections 210.900 to 210.937.

72           8. The highway patrol shall examine whether protocols can be developed to allow a  
73 provider to request a statewide fingerprint criminal records review check through local law  
74 enforcement agencies.

75           9. A provider may use a private investigatory agency rather than the highway patrol to  
76 do a criminal history records review check, and alternatively, the applicant pays the private  
77 investigatory agency such fees as the provider and such agency shall agree.

78           10. Except for the hiring restriction based on the department of health and senior services  
79 employee disqualification list established pursuant to section 192.2490, the department of health  
80 and senior services shall promulgate rules and regulations to waive the hiring restrictions  
81 pursuant to this section for good cause. For purposes of this section, "good cause" means the  
82 department has made a determination by examining the employee's prior work history and other  
83 relevant factors that such employee does not present a risk to the health or safety of residents.

210.482. 1. If the emergency placement of a child in a private home is necessary due to  
2 the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or  
3 children's division:

4           (1) May request that a local or state law enforcement agency or juvenile officer, subject  
5 to any required federal authorization, immediately conduct a name-based criminal history record  
6 check to include full orders of protection and outstanding warrants of each person over the age  
7 of seventeen residing in the home by using the Missouri uniform law enforcement system  
8 (MULES) and the National Crime Information Center to access the Interstate Identification Index  
9 maintained by the Federal Bureau of Investigation; and

10           (2) Shall determine or, in the case of the juvenile court, shall request the division to  
11 determine whether any person over the age of seventeen years residing in the home is listed on  
12 the child abuse and neglect registry. For any children less than seventeen years of age residing  
13 in the home, the children's division shall inquire of the person with whom an emergency  
14 placement of a child will be made whether any children less than seventeen years of age residing  
15 in the home have ever been certified as an adult and convicted of or pled guilty or nolo  
16 contendere to any crime.

17           2. If a name-based search has been conducted pursuant to subsection 1 of this section,  
18 within fifteen calendar days after the emergency placement of the child in the private home, and  
19 if the private home has not previously been approved as a foster or adoptive home, all persons  
20 over the age of seventeen residing in the home and all children less than seventeen residing in  
21 the home who the division has determined have been certified as an adult for the commission of  
22 a crime shall report to a local law enforcement agency for the purpose of providing ~~three sets~~  
23 ~~of~~ fingerprints ~~[each]~~ and accompanying fees, pursuant to section 43.530 and 43.540. ~~[One set~~  
24 ~~of fingerprints shall be used by the highway patrol to search the criminal history repository, one~~  
25 ~~set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal~~  
26 ~~history files, and one set shall be forwarded to and retained by the division.]~~ Results of the  
27 checks shall be provided to the juvenile court or children's division office requesting such

28 information. Any child placed in emergency placement in a private home shall be removed  
29 immediately if any person residing in the home fails to provide fingerprints after being requested  
30 to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

31 3. If the placement of a child is denied as a result of a name-based criminal history check  
32 and the denial is contested, all persons over the age of seventeen residing in the home and all  
33 children less than seventeen years of age residing in the home who the division has determined  
34 have been certified as an adult for the commission of a crime shall, within fifteen calendar days,  
35 submit to the juvenile court or the children's division [~~three sets of fingerprints~~] in the same  
36 manner described in subsection 2 of this section, accompanying fees, and written permission  
37 authorizing the juvenile court or the children's division to forward the fingerprints to the state  
38 criminal record repository for submission to the Federal Bureau of Investigation. [~~One set of  
39 fingerprints shall be used by the highway patrol to search the criminal history repository, one set  
40 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal  
41 history files, and one set shall be retained by the division.~~]

42 4. No person who submits fingerprints under this section shall be required to submit  
43 additional fingerprints under this section or section 210.487 unless the original fingerprints  
44 retained by the division are lost or destroyed.

45 5. Subject to appropriation, the total cost of fingerprinting required by this section may  
46 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this  
47 section.

48 6. For the purposes of this section, "emergency placement" refers to those limited  
49 instances when the juvenile court or children's division is placing a child in the home of private  
50 individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of  
51 the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster parent  
2 licensing, the division shall:

3 (1) Conduct a search for all persons over the age of seventeen in the applicant's  
4 household and for any child less than seventeen years of age residing in the applicant's home who  
5 the division has determined has been certified as an adult for the commission of a crime for  
6 evidence of full orders of protection. The office of state courts administrator shall allow access  
7 to the automated court information system by the division. The clerk of each court contacted by  
8 the division shall provide the division information within ten days of a request; and

9 (2) Obtain [~~three sets of~~] fingerprints for any person over the age of seventeen in the  
10 applicant's household and for any child less than seventeen years of age residing in the applicant's  
11 home who the division has determined has been certified as an adult for the commission of a  
12 crime in the same manner set forth in subsection 2 of section 210.482. [~~One set of fingerprints~~

13 ~~shall be used by the highway patrol to search the criminal history repository, one set shall be~~  
14 ~~forwarded to the Federal Bureau of Investigation for searching the federal criminal history files,~~  
15 ~~and one set shall be forwarded to and retained by the division.]~~ The highway patrol shall assist  
16 the division and provide the criminal fingerprint background information, upon request **under**  
17 **section 43.540**; and

18 (3) Determine whether any person over the age of seventeen residing in the home and  
19 any child less than seventeen years of age residing in the applicant's home who the division has  
20 determined has been certified as an adult for the commission of a crime is listed on the child  
21 abuse and neglect registry. For any children less than seventeen years of age residing in the  
22 applicant's home, the children's division shall inquire of the applicant whether any children less  
23 than seventeen years of age residing in the home have ever been certified as an adult and been  
24 convicted of or pled guilty or nolo contendere to any crime.

25 2. After the initial investigation is completed under subsection 1 of this section:

26 (1) No person who submits fingerprints under subsection 1 of this section or section  
27 210.482 shall be required to submit additional fingerprints under this section or section 210.482  
28 unless the original fingerprints retained by the division are lost or destroyed; and

29 (2) The children's division and the department of health and senior services may waive  
30 the requirement for a fingerprint background check for any subsequent recertification.

31 3. Subject to appropriation, the total cost of fingerprinting required by this section may  
32 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this  
33 section.

34 4. The division may make arrangements with other executive branch agencies to obtain  
35 any investigative background information.

36 5. The division may promulgate rules that are necessary to implement the provisions of  
37 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
38 created under the authority delegated in this section shall become effective only if it complies  
39 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
40 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
41 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
42 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
43 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

302.060. 1. The director shall not issue any license and shall immediately deny any  
2 driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor  
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any  
7 person whose license has been revoked, until the expiration of one year after such license was  
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the  
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to  
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in  
15 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,  
16 as described in section 303.120, has been established;

17 (8) To any person whose application shows that the person has been convicted within  
18 one year prior to such application of violating the laws of this state relating to failure to stop after  
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's  
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a  
22 county or municipal ordinance where the defendant was represented by or waived the right to an  
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
24 years from the date of conviction of the last offense of violating such law or ordinance relating  
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
26 county in which such last conviction was rendered and the court shall review the person's habits  
27 and conduct since such conviction, including the results of a criminal history check as defined  
28 in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no  
29 pending charges for any offense related to alcohol, controlled substances or drugs and has no  
30 other alcohol-related enforcement contacts as defined in section 302.525 during the preceding  
31 ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a  
32 threat to the public safety of this state, the court shall order the director to issue a license to the  
33 petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010  
34 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision  
35 through court action more than one time;

36 (10) To any person who has been found guilty of acting with criminal negligence while  
37 driving while intoxicated to cause the death of another person, or to any person who has been  
38 convicted twice within a five-year period of violating state law, county or municipal ordinance  
39 of driving while intoxicated, or any other intoxication-related traffic offense as defined in section  
40 577.001, except that, after the expiration of five years from the date of conviction of the last  
41 offense of violating such law or ordinance, a person who was so convicted may petition the

42 circuit court of the county in which such last conviction was rendered and the court shall review  
43 the person's habits and conduct since such conviction, including the results of a criminal history  
44 check as defined in section 302.010. If the court finds that the petitioner has not been found  
45 guilty of, and has no pending charges for any offense related to alcohol, controlled substances,  
46 or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525  
47 during the preceding five years, and that the petitioner's habits and conduct show such petitioner  
48 to no longer pose a threat to the public safety of this state, the court shall order the director to  
49 issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions  
50 of sections 302.010 to 302.540;

51 (11) To any person who is otherwise disqualified pursuant to the provisions of this  
52 chapter, chapter 303, or section 544.046;

53 (12) To any person who is under the age of eighteen years, if such person's parents or  
54 legal guardians file a certified document with the department of revenue stating that the director  
55 shall not issue such person a driver's license. Each document filed by the person's parents or  
56 legal guardians shall be made upon a form furnished by the director and shall include identifying  
57 information of the person for whom the parents or legal guardians are denying the driver's  
58 license. The document shall also contain identifying information of the person's parents or legal  
59 guardians. The document shall be certified by the parents or legal guardians to be true and  
60 correct. This provision shall not apply to any person who is legally emancipated. The parents  
61 or legal guardians may later file an additional document with the department of revenue which  
62 reinstates the person's ability to receive a driver's license.

63 2. Any person whose license is reinstated under the provisions of subdivision (9) or (10)  
64 of subsection 1 of this section shall be required to file proof with the director of revenue that any  
65 motor vehicle operated by the person is equipped with a functioning, certified ignition interlock  
66 device as a required condition of reinstatement. The ignition interlock device required for  
67 reinstatement under this subsection and for obtaining a limited driving privilege under paragraph  
68 (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification  
69 technology feature, and a court may require a global positioning system feature for such device.  
70 The ignition interlock device shall further be required to be maintained on all motor vehicles  
71 operated by the person for a period of not less than six months immediately following the date  
72 of reinstatement. If the monthly monitoring reports show that the ignition interlock device has  
73 registered any confirmed blood alcohol concentration readings above the alcohol setpoint  
74 established by the department of transportation or that the person has tampered with or  
75 circumvented the ignition interlock device within the last three months of the six-month period  
76 of required installation of the ignition interlock device, then the period for which the person must  
77 maintain the ignition interlock device following the date of reinstatement shall be extended until

78 the person has completed three consecutive months with no violations as described in this  
79 section. If the person fails to maintain such proof with the director, the license shall be  
80 suspended until proof as required by this section is filed with the director.

81 3. Any person who petitions the court for reinstatement of his or her license pursuant to  
82 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri  
83 state highway patrol as provided in section 43.540, and shall submit ~~[two sets of]~~ fingerprints  
84 collected pursuant to standards as determined by the highway patrol. ~~[One set of]~~ Fingerprints  
85 shall be used by the highway patrol to search the criminal history repository and ~~[the second set  
86 shall be forwarded to]~~ the Federal Bureau of Investigation for searching the federal criminal  
87 history files. At the time of application, the applicant shall supply to the highway patrol the court  
88 name and case number for the court where he or she has filed his or her petition for  
89 reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to  
90 section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for  
91 the federal criminal history record. The Missouri highway patrol, upon receipt of the results of  
92 the criminal history check, shall forward a copy of the results to the circuit court designated by  
93 the applicant and to the department. Notwithstanding the provisions of section 610.120, all  
94 records related to any criminal history check shall be accessible and available to the director and  
95 the court.

313.810. 1. A person shall not be issued a license to conduct gambling games on an  
2 excursion gambling boat or a license to operate an excursion gambling boat, an occupational  
3 license, or a supplier license unless the person has completed and signed an application on the  
4 form prescribed and published by the commission. The application shall include the full name,  
5 residence, date of birth and other personal identifying information as the commission deems  
6 necessary, including but not limited to, the information specified in section 313.847. The  
7 application shall also indicate whether the applicant has any of the following:

- 8 (1) A record of conviction of a felony; or
- 9 (2) A current addiction to a controlled substance.

10 2. The commission shall submit ~~[two sets of]~~ fingerprints for any person seeking  
11 employment with the commission or any person who is seeking the issuance or renewal of a  
12 license issued by the commission, for the purpose of checking the person's prior criminal history  
13 when the commission determines a nationwide check is warranted. The fingerprint cards and  
14 any required fees shall be sent to the Missouri state highway patrol's central repository. The ~~[first  
15 set of]~~ fingerprints shall be used for searching the state repository ~~[of criminal history  
16 information. The second set of fingerprints]~~ and shall **also** be forwarded to the Federal Bureau  
17 of Investigation~~[, Identification Division,]~~ for the searching of the federal criminal history files  
18 **under section 43.540**. The patrol shall notify the commission of any criminal history

19 information or lack of criminal history information discovered on the individual.  
20 Notwithstanding the provisions of section 610.120, all records related to any criminal history  
21 information discovered shall be accessible and available to the commission.

22 3. It is the burden of the applicant to show by clear and convincing evidence his  
23 suitability as to character, experience and other factors as may be deemed appropriate by the  
24 commission.

25 4. Before a license is granted, the commission shall conduct a thorough investigation of  
26 the applicant for a license to operate a gambling game operation on an excursion gambling boat.  
27 The applicant shall provide information on a form as required by the commission.

28 5. A person who knowingly makes a false statement on an application is guilty of a class  
29 A misdemeanor and shall not ever again be considered for application by the commission.

30 6. The licensee shall permit the commission or commission employees designated to  
31 inspect the licensee or holder's person, personal property, excursion gambling boat and effects  
32 at any time.

610.120. 1. Except as otherwise provided under section 610.124, records required to be  
2 closed shall not be destroyed; they shall be inaccessible to the general public and to all persons  
3 other than the defendant except as provided in this section and ~~[section 43.507]~~ **chapter 43**.  
4 ~~[The]~~ Closed records shall be available to: criminal justice agencies for the administration of  
5 criminal justice pursuant to section 43.500, criminal justice employment, screening persons with  
6 access to criminal justice facilities, procedures, and sensitive information; to law enforcement  
7 agencies for issuance or renewal of a license, permit, certification, or registration of authority  
8 from such agency including but not limited to watchmen, security personnel, private  
9 investigators, and persons seeking permits to purchase or possess a firearm; those agencies  
10 authorized by ~~[section 43.543 to submit and]~~ **chapter 43 and applicable state law** when  
11 submitting fingerprints to the central repository; the sentencing advisory commission created in  
12 section 558.019 for the purpose of studying sentencing practices in accordance with ~~[section~~  
13 ~~43.507]~~ **chapter 43**; to qualified entities for the purpose of screening providers defined in  
14 ~~[section 43.540]~~ **chapter 43**; the department of revenue for driver license administration; the  
15 department of public safety for the purposes of determining eligibility for crime victims'  
16 compensation pursuant to sections 595.010 to 595.075, department of health and senior services  
17 for the purpose of licensing and regulating facilities and regulating in-home services provider  
18 agencies and federal agencies for purposes of criminal justice administration, criminal justice  
19 employment, child, elderly, or disabled care, and for such investigative purposes as authorized  
20 by law or presidential executive order.

21 2. These records shall be made available only for the purposes and to the entities listed  
22 in this section. A criminal justice agency receiving a request for criminal history information

23 under its control may require positive identification, to include fingerprints of the subject of the  
24 record search, prior to releasing closed record information. Dissemination of closed and open  
25 records from the Missouri criminal records repository shall be in accordance with section 43.509.  
26 All records which are closed records shall be removed from the records of the courts,  
27 administrative agencies, and law enforcement agencies which are available to the public and  
28 shall be kept in separate records which are to be held confidential and, where possible, pages of  
29 the public record shall be retyped or rewritten omitting those portions of the record which deal  
30 with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature  
31 of the record books, such record entries shall be blacked out and recopied in a confidential book.

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