

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 81

102ND GENERAL ASSEMBLY

0114S.06C

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 43.539, 43.540, 210.493, 320.210, 590.040, 590.080, and 610.021, RSMo, and to enact in lieu thereof eleven new sections relating to duties of the department of public safety.

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

Section A. Sections 43.539, 43.540, 210.493, 320.210, 590.040, 590.080, and 610.021, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 43.253, 43.539, 43.540, 171.097, 195.817, 210.493, 320.210, 590.033, 590.040, 590.080, and 610.021, to read as follows:

**43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of six dollars may be charged by the Missouri state highway patrol for a records request for a Missouri Uniform Crash Report or Marine Accident Investigation Report where there are allowable fees of less than six dollars under this chapter or chapter 610. Such six-dollar fee shall be in place of any allowable fee of less than six dollars.**

**2. The superintendent of the Missouri state highway patrol may increase the minimum fee described in this section by no more than one dollar every other year beginning August 28, 2024; however, the minimum fee described in this section shall not exceed ten dollars.**

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

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

3 (1) "Applicant", a person who:

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

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

8 (c) Actively volunteers or seeks to volunteer with a  
9 qualified entity;

10 (d) Is actively contracted with or seeks to contract  
11 with a qualified entity; or

12 (e) Owns or operates a qualified entity;

13 (2) "Care", the provision of care, treatment,  
14 education, training, instruction, supervision, or recreation  
15 to children, the elderly, or disabled persons;

16 (3) "Missouri criminal record review", a review of  
17 criminal history records and sex offender registration  
18 records under sections 589.400 to 589.425 maintained by the  
19 Missouri state highway patrol in the Missouri criminal  
20 records repository;

21 (4) "Missouri Rap Back program", any type of automatic  
22 notification made by the Missouri state highway patrol to a  
23 qualified entity indicating that an applicant who is  
24 employed, licensed, or otherwise under the purview of that  
25 entity has been arrested for a reported criminal offense in  
26 Missouri as required under section 43.506;

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

30 (6) "National Rap Back program", any type of automatic  
31 notification made by the Federal Bureau of Investigation  
32 through the Missouri state highway patrol to a qualified

33 entity indicating that an applicant who is employed,  
34 licensed, or otherwise under the purview of that entity has  
35 been arrested for a reported criminal offense outside the  
36 state of Missouri and the fingerprints for that arrest were  
37 forwarded to the Federal Bureau of Investigation by the  
38 arresting agency;

39 (7) "Patient or resident", a person who by reason of  
40 age, illness, disease, or physical or mental infirmity  
41 receives or requires care or services furnished by an  
42 applicant, as defined in this section, or who resides or  
43 boards in, or is otherwise kept, cared for, treated, or  
44 accommodated in a facility as defined in section 198.006,  
45 for a period exceeding twenty-four consecutive hours;

46 (8) "Qualified entity", a person, business, or  
47 organization that provides care, care placement, or  
48 educational services for children, the elderly, or persons  
49 with disabilities as patients or residents, including a  
50 business or organization that licenses or certifies others  
51 to provide care or care placement services;

52 (9) "Youth services agency", any agency, school, or  
53 association that provides programs, care, or treatment for  
54 or exercises supervision over minors.

55 2. The central repository shall have the authority to  
56 submit applicant fingerprints to the National Rap Back  
57 program to be retained for the purpose of being searched  
58 against future submissions to the National Rap Back program,  
59 including latent fingerprint searches. Qualified entities  
60 may conduct Missouri and national criminal record reviews on  
61 applicants and participate in Missouri and National Rap Back  
62 programs for the purpose of determining suitability or  
63 fitness for a permit, license, or employment, and shall  
64 abide by the following requirements:

65           (1) The qualified entity shall register with the  
66 Missouri state highway patrol prior to submitting a request  
67 for screening under this section. As part of the  
68 registration, the qualified entity shall indicate if it  
69 chooses to enroll applicants in the Missouri and National  
70 Rap Back programs;

71           (2) Qualified entities shall notify applicants subject  
72 to a criminal record review under this section that the  
73 applicant's fingerprints shall be retained by the state  
74 central repository and the Federal Bureau of Investigation  
75 and shall be searched against other fingerprints on file,  
76 including latent fingerprints;

77           (3) Qualified entities shall notify applicants subject  
78 to enrollment in the National Rap Back program that the  
79 applicant's fingerprints, while retained, may continue to be  
80 compared against other fingerprints submitted or retained by  
81 the Federal Bureau of Investigation, including latent  
82 fingerprints;

83           (4) The criminal record review and Rap Back process  
84 described in this section shall be voluntary and conform to  
85 the requirements established in the National Child  
86 Protection Act of 1993, as amended, and other applicable  
87 state or federal law. As a part of the registration, the  
88 qualified entity shall agree to comply with state and  
89 federal law and shall indicate so by signing an agreement  
90 approved by the Missouri state highway patrol. The Missouri  
91 state highway patrol may periodically audit qualified  
92 entities to ensure compliance with federal law and this  
93 section;

94           (5) A qualified entity shall submit to the Missouri  
95 state highway patrol a request for screening on applicants

96 covered under this section using a completed fingerprint  
97 card;

98 (6) Each request shall be accompanied by a reasonable  
99 fee, as provided in section 43.530, plus the amount  
100 required, if any, by the Federal Bureau of Investigation for  
101 the national criminal record review and enrollment in the  
102 National Rap Back program in compliance with the National  
103 Child Protection Act of 1993, as amended, and other  
104 applicable state or federal laws;

105 (7) The Missouri state highway patrol shall provide,  
106 directly to the qualified entity, the applicant's state  
107 criminal history records that are not exempt from disclosure  
108 under chapter 610 or otherwise confidential under law;

109 (8) The national criminal history data shall be  
110 available to qualified entities to use only for the purpose  
111 of screening applicants as described under this section.  
112 The Missouri state highway patrol shall provide the  
113 applicant's national criminal history record information  
114 directly to the qualified entity;

115 (9) The determination whether the criminal history  
116 record shows that the applicant has been convicted of or has  
117 a pending charge for any crime that bears upon the fitness  
118 of the applicant to have responsibility for the safety and  
119 well-being of children, the elderly, or disabled persons  
120 shall be made solely by the qualified entity. This section  
121 shall not require the Missouri state highway patrol to make  
122 such a determination on behalf of any qualified entity;

123 (10) The qualified entity shall notify the applicant,  
124 in writing, of his or her right to obtain a copy of any  
125 criminal record review, including the criminal history  
126 records, if any, contained in the report and of the  
127 applicant's right to challenge the accuracy and completeness

128 of any information contained in any such report and obtain a  
129 determination as to the validity of such challenge before a  
130 final determination regarding the applicant is made by the  
131 qualified entity reviewing the criminal history  
132 information. A qualified entity that is required by law to  
133 apply screening criteria, including any right to contest or  
134 request an exemption from disqualification, shall apply such  
135 screening criteria to the state and national criminal  
136 history record information received from the Missouri state  
137 highway patrol for those applicants subject to the required  
138 screening; and

139 (11) Failure to obtain the information authorized  
140 under this section, with respect to an applicant, shall not  
141 be used as evidence in any negligence action against a  
142 qualified entity. The state, any political subdivision of  
143 the state, or any agency, officer, or employee of the state  
144 or a political subdivision shall not be liable for damages  
145 for providing the information requested under this section.

146 3. The criminal record review shall include the  
147 submission of fingerprints to the Missouri state highway  
148 patrol, who shall conduct a Missouri criminal record review,  
149 including closed record information under section 610.120.  
150 The Missouri state highway patrol shall also forward a copy  
151 of the applicant's fingerprints to the Federal Bureau of  
152 Investigation for a national criminal record review.

153 4. The applicant subject to a criminal record review  
154 shall provide the following information to the qualified  
155 entity:

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

159           (2) Consent to obtain the identifying information  
160 required to conduct the criminal record review, which may  
161 include, but not be limited to:

- 162           (a) Name;
- 163           (b) Date of birth;
- 164           (c) Height;
- 165           (d) Weight;
- 166           (e) Eye color;
- 167           (f) Hair color;
- 168           (g) Gender;
- 169           (h) Race;
- 170           (i) Place of birth;
- 171           (j) Social Security number; and
- 172           (k) The applicant's photo.

173           5. Any information received by an authorized state  
174 agency or a qualified entity under the provisions of this  
175 section shall be used solely for internal purposes in  
176 determining the suitability of an applicant. The  
177 dissemination of criminal history information from the  
178 Federal Bureau of Investigation beyond the authorized state  
179 agency or related governmental entity is prohibited. All  
180 criminal record check information shall be confidential, and  
181 any person who discloses the information beyond the scope  
182 allowed is guilty of a class A misdemeanor.

183           6. A qualified entity enrolled in either the Missouri  
184 or National Rap Back program shall be notified by the  
185 Missouri state highway patrol that a new arrest has been  
186 reported on an applicant who is employed, licensed, or  
187 otherwise under the purview of the qualified entity. Upon  
188 receiving the Rap Back notification, if the qualified entity  
189 deems that the applicant is still serving in an active  
190 capacity, the entity may request and receive the

191 individual's updated criminal history record. This process  
192 shall only occur if:

193 (1) The entity has abided by all procedures and rules  
194 promulgated by the Missouri state highway patrol and Federal  
195 Bureau of Investigation regarding the Missouri and National  
196 Rap Back programs;

197 (2) The individual upon whom the Rap Back notification  
198 is being made has previously had a Missouri and national  
199 criminal record review completed for the qualified entity  
200 under this section [within the previous six years]; and

201 (3) The individual upon whom the Rap Back notification  
202 is being made is a current employee, licensee, or otherwise  
203 still actively under the purview of the qualified entity.

204 7. The Missouri state highway patrol shall make  
205 available or approve the necessary forms, procedures, and  
206 agreements necessary to implement the provisions of this  
207 section.

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

3 (1) "Applicant", a person who:

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

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

8 (c) Actively volunteers or seeks to volunteer with a  
9 qualified entity; or

10 (d) Is actively contracted with or seeks to contract  
11 with a qualified entity;

12 (2) "Missouri criminal record review", a review of  
13 criminal history records and sex offender registration  
14 records pursuant to sections 589.400 to 589.425 maintained

15 by the Missouri state highway patrol in the Missouri  
16 criminal records repository;

17 (3) "Missouri Rap Back program", shall include any  
18 type of automatic notification made by the Missouri state  
19 highway patrol to a qualified entity indicating that an  
20 applicant who is employed, licensed, or otherwise under the  
21 purview of that entity has been arrested for a reported  
22 criminal offense in Missouri as required under section  
23 43.506;

24 (4) "National criminal record review", a review of the  
25 criminal history records maintained by the Federal Bureau of  
26 Investigation;

27 (5) "National Rap Back program", shall include any  
28 type of automatic notification made by the Federal Bureau of  
29 Investigation through the Missouri state highway patrol to a  
30 qualified entity indicating that an applicant who is  
31 employed, licensed, or otherwise under the purview of that  
32 entity has been arrested for a reported criminal offense  
33 outside the state of Missouri and the fingerprints for that  
34 arrest were forwarded to the Federal Bureau of Investigation  
35 by the arresting agency;

36 (6) "Qualified entity", an entity that is:

37 (a) An office or division of state, county, or  
38 municipal government, including a political subdivision or a  
39 board or commission designated by statute or approved local  
40 ordinance, to issue or renew a license, permit,  
41 certification, or registration of authority;

42 (b) An office or division of state, county, or  
43 municipal government, including a political subdivision or a  
44 board or commission designated by statute or approved local  
45 ordinance, to make fitness determinations on applications  
46 for state, county, or municipal government employment; or

47 (c) Any entity that is authorized to obtain criminal  
48 history record information under 28 CFR 20.33.

49 2. The central repository shall have the authority to  
50 submit applicant fingerprints to the National Rap Back  
51 program to be retained for the purpose of being searched  
52 against future submissions to the National Rap Back program,  
53 including latent fingerprint searches. Qualified entities  
54 may conduct Missouri and national criminal record reviews on  
55 applicants and participate in Missouri and National Rap Back  
56 programs for the purpose of determining suitability or  
57 fitness for a permit, license, or employment, and shall  
58 abide by the following requirements:

59 (1) The qualified entity shall register with the  
60 Missouri state highway patrol prior to submitting a request  
61 for screening under this section. As part of such  
62 registration, the qualified entity shall indicate if it  
63 chooses to enroll their applicants in the Missouri and  
64 National Rap Back programs;

65 (2) Qualified entities shall notify applicants subject  
66 to a criminal record review under this section that the  
67 applicant's fingerprints shall be retained by the state  
68 central repository and the Federal Bureau of Investigation  
69 and shall be searched against other fingerprints on file,  
70 including latent fingerprints;

71 (3) Qualified entities shall notify applicants subject  
72 to enrollment in the National Rap Back program that the  
73 applicant's fingerprints, while retained, may continue to be  
74 compared against other fingerprints submitted or retained by  
75 the Federal Bureau of Investigation, including latent  
76 fingerprints;

77 (4) The criminal record review and Rap Back process  
78 described in this section shall be voluntary and conform to

79 the requirements established in Pub. L. 92-544 and other  
80 applicable state or federal law. As a part of the  
81 registration, the qualified entity shall agree to comply  
82 with state and federal law and shall indicate so by signing  
83 an agreement approved by the Missouri state highway patrol.  
84 The Missouri state highway patrol may periodically audit  
85 qualified entities to ensure compliance with federal law and  
86 this section;

87 (5) A qualified entity shall submit to the Missouri  
88 state highway patrol a request for screening on applicants  
89 covered under this section using a completed fingerprint  
90 card;

91 (6) Each request shall be accompanied by a reasonable  
92 fee, as provided in section 43.530, plus the amount  
93 required, if any, by the Federal Bureau of Investigation for  
94 the national criminal record review and enrollment in the  
95 National Rap Back program in compliance with applicable  
96 state or federal laws;

97 (7) The Missouri state highway patrol shall provide,  
98 directly to the qualified entity, the applicant's state  
99 criminal history records that are not exempt from disclosure  
100 under chapter 610 or are otherwise confidential under law;

101 (8) The national criminal history data shall be  
102 available to qualified entities to use only for the purpose  
103 of screening applicants as described under this section.  
104 The Missouri state highway patrol shall provide the  
105 applicant's national criminal history record information  
106 directly to the qualified entity;

107 (9) This section shall not require the Missouri state  
108 highway patrol to make an eligibility determination on  
109 behalf of any qualified entity;

110           (10) The qualified entity shall notify the applicant,  
111 in writing, of his or her right to obtain a copy of any  
112 criminal record review, including the criminal history  
113 records, if any, contained in the report, and of the  
114 applicant's right to challenge the accuracy and completeness  
115 of any information contained in any such report and to  
116 obtain a determination as to the validity of such challenge  
117 before a final determination regarding the applicant is made  
118 by the qualified entity reviewing the criminal history  
119 information. A qualified entity that is required by law to  
120 apply screening criteria, including any right to contest or  
121 request an exemption from disqualification, shall apply such  
122 screening criteria to the state and national criminal  
123 history record information received from the Missouri state  
124 highway patrol for those applicants subject to the required  
125 screening; and

126           (11) Failure to obtain the information authorized  
127 under this section with respect to an applicant shall not be  
128 used as evidence in any negligence action against a  
129 qualified entity. The state, any political subdivision of  
130 the state, or any agency, officer, or employee of the state  
131 or a political subdivision shall not be liable for damages  
132 for providing the information requested under this section.

133           3. The criminal record review shall include the  
134 submission of fingerprints to the Missouri state highway  
135 patrol, who shall conduct a Missouri criminal record review,  
136 including closed record information under section 610.120.  
137 The Missouri state highway patrol shall also forward a copy  
138 of the applicant's fingerprints to the Federal Bureau of  
139 Investigation for a national criminal record review.

140           4. The applicant subject to a criminal record review  
141 shall provide the following information to the qualified  
142 entity:

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

146           (2) Consent to obtain the identifying information  
147 required to conduct the criminal record review, which may  
148 include, but not be limited to:

149           (a) Name;

150           (b) Date of birth;

151           (c) Height;

152           (d) Weight;

153           (e) Eye color;

154           (f) Hair color;

155           (g) Gender;

156           (h) Race;

157           (i) Place of birth;

158           (j) Social Security number; and

159           (k) The applicant's photo.

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

170           6. A qualified entity enrolled in either the Missouri  
171 or National Rap Back programs shall be notified by the

172 Missouri state highway patrol that a new arrest has been  
173 reported on an applicant who is employed, licensed, or  
174 otherwise under the purview of the qualified entity. Upon  
175 receiving the Rap Back notification, if the qualified entity  
176 deems that the applicant is still serving in an active  
177 capacity, the entity may request and receive the  
178 individual's updated criminal history record. This process  
179 shall only occur if:

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

184 (2) The individual upon whom the Rap Back notification  
185 is being made has previously had a Missouri and national  
186 criminal record review completed for the qualified entity  
187 under this section [within the previous six years]; and

188 (3) The individual upon whom the Rap Back notification  
189 is being made is a current employee, licensee, or otherwise  
190 still actively under the purview of the qualified entity.

191 7. The highway patrol shall make available or approve  
192 the necessary forms, procedures, and agreements necessary to  
193 implement the provisions of this section.

**171.097. 1. School districts shall ensure that a  
2 state criminal history background check consisting of open  
3 records is conducted on any person who is eighteen years of  
4 age or older, who is not counted by the district for  
5 purposes of average daily attendance under section 163.011,  
6 and who requests enrollment in a course that takes place on  
7 school district property during regular school hours and  
8 includes students counted by the district for purposes of  
9 average daily attendance under section 163.011.**

10           2. The state criminal history background check  
11 required under this section shall be processed through the  
12 Missouri state highway patrol prior to enrollment. The  
13 person requesting enrollment in a course as described in  
14 this section shall pay the fee for the state criminal  
15 history background check pursuant to section 43.530.

16           3. If, as a result of the criminal history background  
17 check required under this section, it is determined that a  
18 person who requested enrollment has been convicted of a  
19 crime or offense listed in subsection 6 of section 168.071,  
20 or a similar crime or offense committed in another state,  
21 the United States, or any other country, regardless of  
22 imposition of sentence, the school district shall prohibit  
23 such person from enrolling in any course for which a state  
24 criminal history background check is required under this  
25 section.

195.817. 1. The department of health and senior  
2 services shall require all employees, contractors, owners,  
3 and volunteers of marijuana facilities to submit  
4 fingerprints to the Missouri state highway patrol for the  
5 purpose of conducting a state and federal fingerprint-based  
6 criminal background check.

7           2. The department may require that such fingerprint  
8 submissions be made as part of a marijuana facility  
9 application, a marijuana facility renewal application, and  
10 an individual's application for a license or permit  
11 authorizing that individual to be an employee, contractor,  
12 owner, or volunteer of a marijuana facility.

13           3. Fingerprint cards and any required fees shall be  
14 sent to the Missouri state highway patrol's central  
15 repository. The fingerprints shall be used for searching  
16 the state criminal records repository and shall also be

17 forwarded to the Federal Bureau of Investigation for a  
18 federal criminal records search under section 43.540. The  
19 Missouri state highway patrol shall notify the department of  
20 any criminal history record information or lack of criminal  
21 history record information discovered on the individual.  
22 Notwithstanding the provisions of section 610.120 to the  
23 contrary, all records related to any criminal history  
24 information discovered shall be accessible and available to  
25 the department.

26 4. As used in this section, the following terms shall  
27 mean:

28 (1) "Contractor", a person performing work or service  
29 of any kind for a marijuana facility for more than fourteen  
30 days in a calendar year in accordance with a contract with  
31 that facility;

32 (2) "Marijuana facility", an entity licensed or  
33 certified by the department of health and senior services to  
34 cultivate, manufacture, test, transport, dispense, or  
35 conduct research on marijuana or marijuana products;

36 (3) "Owner", an individual who has a financial  
37 interest or voting interest in ten percent or greater of a  
38 marijuana facility.

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

3 (1) "Applicant", any individual who applies or is  
4 required to successfully complete the background check  
5 requirements for employment or presence at a licensed  
6 residential care facility, license-exempt residential care  
7 facility, or child placing agency. For the purposes of  
8 background checks conducted by the Missouri state highway  
9 patrol, the term "applicant" is further defined in section  
10 43.540;

11           (2) "Contractor", a person who contracts to do work  
12 for or supply goods to a licensed residential care facility,  
13 license-exempt residential care facility, or child placing  
14 agency;

15           (3) "Employee", an individual who works in the service  
16 of a licensed residential care facility, license-exempt  
17 residential care facility, or child placing agency under an  
18 express or implied contract for hire, whether written or  
19 unwritten or full time or part time, under which the  
20 licensed residential care facility, license-exempt  
21 residential care facility, or child placing agency has the  
22 right to control, in whole or in part, the details of the  
23 individual's work performance;

24           (4) "Owner", an individual who holds an equity  
25 interest in a licensed residential care facility, license-  
26 exempt residential care facility, or child placing agency;

27           (5) "Volunteer", an individual who performs a service  
28 for or on behalf of a licensed residential care facility,  
29 license-exempt residential care facility, or child placing  
30 agency of the individual's own free will without obligation  
31 or without any expectation of a reward or compensation.

32           [Officers, managers,] 2. Contractors, volunteers with  
33 access to children, and employees[, and other support staff]  
34 of licensed residential care facilities and licensed child  
35 placing agencies in accordance with sections 210.481 to  
36 210.536; owners of such residential care facilities who will  
37 have access to the facilities; and owners of such child  
38 placing agencies who will have access to children shall  
39 submit fingerprints and any information that the department  
40 requires to complete the background checks, as specified in  
41 regulations established by the department, to the Missouri

42 state highway patrol for the purpose of conducting state and  
43 federal fingerprint-based background checks.

44 [2. Officers, managers,] 3. Contractors, volunteers  
45 with access to children, and employees[, and other support  
46 staff] of residential care facilities subject to the  
47 notification requirements under sections 210.1250 to  
48 210.1286; any person eighteen years of age or older who  
49 resides at or on the property of such residential care  
50 facility; any person who has unsupervised contact with a  
51 resident of the residential care facility; and owners of  
52 such residential care facilities who will have access to the  
53 facilities shall submit fingerprints and any information  
54 that the department requires to complete the background  
55 checks, as specified in regulations established by the  
56 department, to the Missouri state highway patrol for the  
57 purpose of conducting state and federal fingerprint-based  
58 background checks.

59 [3.] 4. A background check shall include:

60 (1) A **state and** Federal Bureau of Investigation  
61 fingerprint check;

62 (2) A search of the [National Crime Information  
63 Center's] National Sex Offender Registry; and

64 (3) A search of the following registries,  
65 repositories, or databases in Missouri, the state where the  
66 applicant resides, and each state where such applicant  
67 resided during the preceding five years:

68 (a) The state criminal registry or repository, with  
69 the use of fingerprints being required in the state where  
70 the applicant resides and optional in other states;

71 (b) The state sex offender registry or repository;

72 (c) The state family care safety registry; and

73 (d) The state-based child abuse and neglect registry  
74 and database.

75 [4.] 5. For the purposes this section and  
76 notwithstanding any other provision of law, "department"  
77 means the department of social services.

78 [5.] 6. The department shall be responsible for  
79 background checks as part of a residential care facility or  
80 child placing agency application for licensure, renewal of  
81 licensure, or for license monitoring.

82 [6.] 7. The department shall be responsible for  
83 background checks for residential care facilities subject to  
84 the notification requirements of sections 210.1250 to  
85 210.1286.

86 [7.] 8. Fingerprint cards and any required fees shall  
87 be sent to the Missouri state highway patrol's central  
88 repository. The fingerprints shall be used for searching  
89 the state criminal records repository and shall also be  
90 forwarded to the Federal Bureau of Investigation for a  
91 federal criminal records search under section 43.540. The  
92 Missouri state highway patrol shall notify the department of  
93 any criminal history record information or lack of criminal  
94 history record information discovered on the individual.  
95 Notwithstanding the provisions of section 610.120, all  
96 records related to any criminal history information  
97 discovered shall be accessible and available to the  
98 department.

99 [8.] 9. Fingerprints submitted to the Missouri state  
100 highway patrol for the purpose of conducting state and  
101 federal fingerprint-based background checks under this  
102 section shall be valid for a period of five years.

103 [9.] 10. The department shall provide the results of  
104 the background check to the applicant in a statement that

105 indicates whether the applicant is eligible or ineligible  
106 for employment or presence at the licensed residential care  
107 facility or licensed child placing agency. The department  
108 shall not reveal to the residential care facility or the  
109 child placing agency any disqualifying offense or other  
110 related information regarding the applicant. The applicant  
111 shall have the opportunity to appeal an ineligible finding.

112 [10.] 11. The department shall provide the results of  
113 the background check to the applicant in a statement that  
114 indicates whether the applicant is eligible or ineligible  
115 for employment or presence at the residential care facility  
116 subject to the notification requirements of sections  
117 210.1250 to 210.1286. The department shall not reveal to  
118 the residential care facility any disqualifying offense or  
119 other related information regarding the applicant. The  
120 applicant shall have the opportunity to appeal an ineligible  
121 finding.

122 [11.] 12. An applicant shall be ineligible if the  
123 applicant:

124 (1) Refuses to consent to the background check as  
125 required by this section;

126 (2) Knowingly makes a materially false statement in  
127 connection with the background check as required by this  
128 section;

129 (3) Is registered, or is required to be registered, on  
130 a state sex offender registry or repository or the National  
131 Sex Offender Registry;

132 (4) Is listed as a perpetrator of child abuse or  
133 neglect under sections 210.109 to 210.183 or any other  
134 finding of child abuse or neglect based on any other state's  
135 registry or database; or

136 (5) Has pled guilty or nolo contendere to or been  
137 found guilty of:

138 (a) Any felony for an offense against the person as  
139 defined in chapter 565;

140 (b) Any other offense against the person involving the  
141 endangerment of a child as prescribed by law;

142 (c) Any misdemeanor or felony for a sexual offense as  
143 defined in chapter 566;

144 (d) Any misdemeanor or felony for an offense against  
145 the family as defined in chapter 568;

146 (e) Burglary in the first degree as defined in section  
147 569.160;

148 (f) Any misdemeanor or felony for robbery as defined  
149 in chapter 570;

150 (g) Any misdemeanor or felony for pornography or  
151 related offense as defined in chapter 573;

152 (h) Any felony for arson as defined in chapter 569;

153 (i) Any felony for armed criminal action as defined in  
154 section 571.015, unlawful use of a weapon as defined in  
155 section 571.030, unlawful possession of a firearm as defined  
156 in section 571.070, or the unlawful possession of an  
157 explosive as defined in section 571.072;

158 (j) Any felony for making a terrorist threat as  
159 defined in section 574.115, 574.120, or 574.125;

160 (k) A felony drug-related offense committed during the  
161 preceding five years; or

162 (l) Any similar offense in any federal, state, or  
163 other court of similar jurisdiction of which the department  
164 has knowledge.

165 [12.] 13. Any person aggrieved by a decision of the  
166 department shall have the right to seek an administrative  
167 review. The review shall be filed with the department

168 within fourteen days from the mailing of the notice of  
169 ineligibility. Any decision not timely appealed shall be  
170 final.

171 [13.] 14. Any required fees shall be paid by the  
172 individual applicant, facility, or agency.

173 [14.] 15. The department is authorized to promulgate  
174 rules, including emergency rules, to implement the  
175 provisions of this section. Any rule or portion of a rule,  
176 as that term is defined in section 536.010, that is created  
177 under the authority delegated in this section shall become  
178 effective only if it complies with and is subject to all of  
179 the provisions of chapter 536 and, if applicable, section  
180 536.028. This section and chapter 536 are nonseverable and  
181 if any of the powers vested with the general assembly  
182 pursuant to chapter 536 to review, to delay the effective  
183 date, or to disapprove and annul a rule are subsequently  
184 held unconstitutional, then the grant of rulemaking  
185 authority and any rule proposed or adopted after July 14,  
186 2021, shall be invalid and void.

320.210. The state fire marshal shall appoint one  
2 assistant director and such other investigators and  
3 employees as the needs of the office require within the  
4 limits of the appropriation made for such purpose.

5 [Supervising investigators shall be at least twenty-five  
6 years of age and shall have either a minimum of five years'  
7 experience in fire risk inspection, prevention, or  
8 investigation work, or a degree in fire protection  
9 engineering from a recognized college or university of  
10 engineering.] No person shall be appointed as an  
11 investigator or other employee who has been convicted of a  
12 felony or other crime involving moral turpitude. Any person  
13 appointed as an investigator shall be of good character,

14 shall be a citizen of the United States, [shall have been a  
15 taxpaying resident of this state for at least three years  
16 immediately preceding his appointment, and] shall be a  
17 graduate of an accredited four-year high school or, in lieu  
18 thereof, shall have obtained a certificate of equivalency  
19 from the state department of elementary and secondary  
20 education, and shall [possess ordinary physical strength and  
21 be able to pass such physical and mental examinations as the  
22 state fire marshal may prescribe] **be a resident of Missouri  
23 at the time of appointment.** An investigator or employee  
24 shall not hold any other commission or office, elective or  
25 appointive, or accept any other employment **that would pose a  
26 conflict of interest** while he **or she** is an investigator or  
27 employee. An investigator or employee shall not accept any  
28 compensation, reward, or gift other than his **or her** regular  
29 salary and expenses for the performance of his **or her**  
30 official duties.

590.033. 1. **The POST commission shall establish  
2 minimum standards for a chief of police training course  
3 which shall include at least forty hours of training. All  
4 police chiefs appointed after August 28, 2023, shall attend  
5 a chief of police training course certified by the POST  
6 commission not later than six months after the person's  
7 appointment as a chief of police.**

8 2. **A chief of police may request an exemption from the  
9 training in subsection 1 of this section by submitting to  
10 the POST commission proof of completion of the Federal  
11 Bureau of Investigation's national academy course or any  
12 other equivalent training course within the previous ten  
13 years or at least five years of experience as a police chief  
14 in a Missouri law enforcement agency.**

15           3. Any law enforcement agency who has a chief of  
16 police appointed after August 28, 2023, that fails to  
17 complete a chief of police training course within six months  
18 of appointment shall be precluded from receiving any POST  
19 commission training funds, state grant funds, or federal  
20 grant funds until the police chief has completed the  
21 training course.

22           4. While attending a chief of police training course,  
23 the chief of police shall receive compensation in the same  
24 manner and amount as if carrying out the powers and duties  
25 of the chief of police. The cost of the chief of police  
26 training course may be paid by moneys from the peace officer  
27 standards and training commission fund created in section  
28 590.178.

590.040. 1. The POST commission shall set the minimum  
2 number of hours of basic training for licensure as a peace  
3 officer no lower [than four hundred seventy and no higher]  
4 than six hundred, with the following exceptions:

5           (1) Up to one thousand hours may be mandated for any  
6 class of license required for commission by a state law  
7 enforcement agency;

8           (2) As few as one hundred twenty hours may be mandated  
9 for any class of license restricted to commission as a  
10 reserve peace officer with police powers limited to the  
11 commissioning political subdivision;

12           (3) Persons validly licensed on August 28, 2001, may  
13 retain licensure without additional basic training;

14           (4) Persons licensed and commissioned within a county  
15 of the third classification before July 1, 2002, may retain  
16 licensure with one hundred twenty hours of basic training if  
17 the commissioning political subdivision has adopted an order  
18 or ordinance to that effect;

19           (5) Persons serving as a reserve officer on August 27,  
20 2001, within a county of the first classification or a  
21 county with a charter form of government and with more than  
22 one million inhabitants on August 27, 2001, having  
23 previously completed a minimum of one hundred sixty hours of  
24 training, shall be granted a license necessary to function  
25 as a reserve peace officer only within such county. For the  
26 purposes of this subdivision, the term "reserve officer"  
27 shall mean any person who serves in a less than full-time  
28 law enforcement capacity, with or without pay and who,  
29 without certification, has no power of arrest and who,  
30 without certification, must be under the direct and  
31 immediate accompaniment of a certified peace officer of the  
32 same agency at all times while on duty; and

33           (6) The POST commission shall provide for the  
34 recognition of basic training received at law enforcement  
35 training centers of other states, the military, the federal  
36 government and territories of the United States regardless  
37 of the number of hours included in such training and shall  
38 have authority to require supplemental training as a  
39 condition of eligibility for licensure.

40           2. The director shall have the authority to limit any  
41 exception provided in subsection 1 of this section to  
42 persons remaining in the same commission or transferring to  
43 a commission in a similar jurisdiction.

44           3. The basic training of every peace officer, except  
45 agents of the conservation commission, shall include at  
46 least thirty hours of training in the investigation and  
47 management of cases involving domestic and family violence.  
48 Such training shall include instruction, specific to  
49 domestic and family violence cases, regarding: report  
50 writing; physical abuse, sexual abuse, child fatalities and

51 child neglect; interviewing children and alleged  
52 perpetrators; the nature, extent and causes of domestic and  
53 family violence; the safety of victims, other family and  
54 household members and investigating officers; legal rights  
55 and remedies available to victims, including rights to  
56 compensation and the enforcement of civil and criminal  
57 remedies; services available to victims and their children;  
58 the effects of cultural, racial and gender bias in law  
59 enforcement; and state statutes. Said curriculum shall be  
60 developed and presented in consultation with the department  
61 of health and senior services, the children's division,  
62 public and private providers of programs for victims of  
63 domestic and family violence, persons who have demonstrated  
64 expertise in training and education concerning domestic and  
65 family violence, and the Missouri coalition against domestic  
66 violence.

590.080. 1. **As used in this section, the following  
2 terms shall mean:**

3 (1) **"Gross misconduct", includes any willful and  
4 wanton or unlawful conduct motivated by premeditated or  
5 intentional purpose or by purposeful indifference to the  
6 consequences of one's acts;**

7 (2) **"Moral turpitude", the wrongful quality shared by  
8 acts of fraud, theft, bribery, illegal drug use, sexual  
9 misconduct, and other similar acts as defined by the common  
10 law of Missouri;**

11 (3) **"Reckless disregard", a conscious disregard of a  
12 substantial risk that circumstances exist or that a result  
13 will follow, and such failure constitutes a gross deviation  
14 from the standard of care that a reasonable peace officer  
15 would exercise in the situation.**

16           2. The director shall have cause to discipline any  
17 peace officer licensee who:

18           (1) Is unable to perform the functions of a peace  
19 officer with reasonable competency or reasonable safety [as  
20 a result of a mental condition, including alcohol or  
21 substance abuse];

22           (2) Has committed any criminal offense, whether or not  
23 a criminal charge has been filed, **has been convicted, or has**  
24 **entered a plea of guilty or nolo contendere, in a criminal**  
25 **prosecution under the laws of any state, or the United**  
26 **States, or of any country, regardless of whether or not**  
27 **sentence is imposed;**

28           (3) Has committed any act [while on active duty or  
29 under color of law] that involves moral turpitude or a  
30 reckless disregard for the safety of the public or any  
31 person;

32           (4) Has caused a material fact to be misrepresented  
33 for the purpose of obtaining or retaining a peace officer  
34 commission or any license issued pursuant to this chapter;

35           (5) Has violated a condition of any order of probation  
36 lawfully issued by the director; [or]

37           (6) Has violated a provision of this chapter or a rule  
38 promulgated pursuant to this chapter;

39           (7) **Has tested positive for a controlled substance, as**  
40 **defined in chapter 195, without a valid prescription for the**  
41 **controlled substance;**

42           (8) **Is subject to an order of another state,**  
43 **territory, the federal government, or any peace officer**  
44 **licensing authority suspending or revoking a peace officer**  
45 **license or certification; or**

46           (9) **Has committed any act of gross misconduct**  
47 **indicating inability to function as a peace officer.**

48           [2.] 3. When the director has knowledge of cause to  
49 discipline a peace officer license pursuant to this section,  
50 the director may cause a complaint to be filed with the  
51 administrative hearing commission, which shall conduct a  
52 hearing to determine whether the director has cause for  
53 discipline, and which shall issue findings of fact and  
54 conclusions of law on the matter. The administrative  
55 hearing commission shall not consider the relative severity  
56 of the cause for discipline or any rehabilitation of the  
57 licensee or otherwise impinge upon the discretion of the  
58 director to determine appropriate discipline when cause  
59 exists pursuant to this section.

60           [3.] 4. Upon a finding by the administrative hearing  
61 commission that cause to discipline exists, the director  
62 shall, within thirty days, hold a hearing to determine the  
63 form of discipline to be imposed and thereafter shall  
64 probate, suspend, or permanently revoke the license at  
65 issue. If the licensee fails to appear at the director's  
66 hearing, this shall constitute a waiver of the right to such  
67 hearing.

68           [4.] 5. Notice of any hearing pursuant to this chapter  
69 or section may be made by certified mail to the licensee's  
70 address of record pursuant to subdivision (2) of subsection  
71 3 of section 590.130. Proof of refusal of the licensee to  
72 accept delivery or the inability of postal authorities to  
73 deliver such certified mail shall be evidence that required  
74 notice has been given. Notice may be given by publication.

75           [5.] 6. Nothing contained in this section shall  
76 prevent a licensee from informally disposing of a cause for  
77 discipline with the consent of the director by voluntarily  
78 surrendering a license or by voluntarily submitting to  
79 discipline.

80 [6.] 7. The provisions of chapter 621 and any  
81 amendments thereto, except those provisions or amendments  
82 that are in conflict with this chapter, shall apply to and  
83 govern the proceedings of the administrative hearing  
84 commission and pursuant to this section the rights and  
85 duties of the parties involved.

610.021. Except to the extent disclosure is otherwise  
2 required by law, a public governmental body is authorized to  
3 close meetings, records and votes, to the extent they relate  
4 to the following:

5 (1) Legal actions, causes of action or litigation  
6 involving a public governmental body and any confidential or  
7 privileged communications between a public governmental body  
8 or its representatives and its attorneys. However, any  
9 minutes, vote or settlement agreement relating to legal  
10 actions, causes of action or litigation involving a public  
11 governmental body or any agent or entity representing its  
12 interests or acting on its behalf or with its authority,  
13 including any insurance company acting on behalf of a public  
14 government body as its insured, shall be made public upon  
15 final disposition of the matter voted upon or upon the  
16 signing by the parties of the settlement agreement, unless,  
17 prior to final disposition, the settlement agreement is  
18 ordered closed by a court after a written finding that the  
19 adverse impact to a plaintiff or plaintiffs to the action  
20 clearly outweighs the public policy considerations of  
21 section 610.011, however, the amount of any moneys paid by,  
22 or on behalf of, the public governmental body shall be  
23 disclosed; provided, however, in matters involving the  
24 exercise of the power of eminent domain, the vote shall be  
25 announced or become public immediately following the action  
26 on the motion to authorize institution of such a legal

27 action. Legal work product shall be considered a closed  
28 record;

29 (2) Leasing, purchase or sale of real estate by a  
30 public governmental body where public knowledge of the  
31 transaction might adversely affect the legal consideration  
32 therefor. However, any minutes, vote or public record  
33 approving a contract relating to the leasing, purchase or  
34 sale of real estate by a public governmental body shall be  
35 made public upon execution of the lease, purchase or sale of  
36 the real estate;

37 (3) Hiring, firing, disciplining or promoting of  
38 particular employees by a public governmental body when  
39 personal information about the employee is discussed or  
40 recorded. However, any vote on a final decision, when taken  
41 by a public governmental body, to hire, fire, promote or  
42 discipline an employee of a public governmental body shall  
43 be made available with a record of how each member voted to  
44 the public within seventy-two hours of the close of the  
45 meeting where such action occurs; provided, however, that  
46 any employee so affected shall be entitled to prompt notice  
47 of such decision during the seventy-two-hour period before  
48 such decision is made available to the public. As used in  
49 this subdivision, the term "personal information" means  
50 information relating to the performance or merit of  
51 individual employees;

52 (4) The state militia or national guard or any part  
53 thereof;

54 (5) Nonjudicial mental or physical health proceedings  
55 involving identifiable persons, including medical,  
56 psychiatric, psychological, or alcoholism or drug dependency  
57 diagnosis or treatment;

58           (6) Scholastic probation, expulsion, or graduation of  
59 identifiable individuals, including records of individual  
60 test or examination scores; however, personally identifiable  
61 student records maintained by public educational  
62 institutions shall be open for inspection by the parents,  
63 guardian or other custodian of students under the age of  
64 eighteen years and by the parents, guardian or other  
65 custodian and the student if the student is over the age of  
66 eighteen years;

67           (7) Testing and examination materials, before the test  
68 or examination is given or, if it is to be given again,  
69 before so given again;

70           (8) Welfare cases of identifiable individuals;

71           (9) Preparation, including any discussions or work  
72 product, on behalf of a public governmental body or its  
73 representatives for negotiations with employee groups;

74           (10) Software codes for electronic data processing and  
75 documentation thereof;

76           (11) Specifications for competitive bidding, until  
77 either the specifications are officially approved by the  
78 public governmental body or the specifications are published  
79 for bid;

80           (12) Sealed bids and related documents, until the bids  
81 are opened; and sealed proposals and related documents or  
82 any documents related to a negotiated contract until a  
83 contract is executed, or all proposals are rejected;

84           (13) Individually identifiable personnel records,  
85 performance ratings or records pertaining to employees or  
86 applicants for employment, except that this exemption shall  
87 not apply to the names, positions, salaries and lengths of  
88 service of officers and employees of public agencies once  
89 they are employed as such, and the names of private sources

90 donating or contributing money to the salary of a chancellor  
91 or president at all public colleges and universities in the  
92 state of Missouri and the amount of money contributed by the  
93 source;

94 (14) Records which are protected from disclosure by  
95 law;

96 (15) Meetings and public records relating to  
97 scientific and technological innovations in which the owner  
98 has a proprietary interest;

99 (16) Records relating to municipal hotlines  
100 established for the reporting of abuse and wrongdoing;

101 (17) Confidential or privileged communications between  
102 a public governmental body and its auditor, including all  
103 auditor work product; however, all final audit reports  
104 issued by the auditor are to be considered open records  
105 pursuant to this chapter;

106 (18) **(a) Security measures, global positioning system**  
107 **(GPS) data, investigative information, or investigative or**  
108 **surveillance techniques of the department of public safety**  
109 **that, if disclosed, has the potential to endanger the health**  
110 **or safety of an individual or the public.**

111 **(b) Any information or data provided to a tip line for**  
112 **the purpose of safety or security at the department of**  
113 **public safety that, if disclosed, has the potential to**  
114 **endanger the health or safety of an individual or the public.**

115 **(c) Any information contained in any suspicious**  
116 **activity report provided to law enforcement that, if**  
117 **disclosed, has the potential to endanger the health or**  
118 **safety of an individual or the public.**

119 **(d) Operational guidelines, policies and specific**  
120 **response plans developed, adopted, or maintained by any**  
121 **public agency responsible for law enforcement, public**

122 safety, first response, or public health for use in  
123 responding to or preventing any critical incident which is  
124 or appears to be terrorist in nature and which has the  
125 potential to endanger individual or public safety or  
126 health. Financial records related to the procurement of or  
127 expenditures relating to operational guidelines, policies or  
128 plans purchased with public funds shall be open. When  
129 seeking to close information pursuant to this exception, the  
130 public governmental body shall affirmatively state in  
131 writing that disclosure would impair the public governmental  
132 body's ability to protect the security or safety of persons  
133 or real property, and shall in the same writing state that  
134 the public interest in nondisclosure outweighs the public  
135 interest in disclosure of the records;

136 (19) Existing or proposed security systems and  
137 structural plans of real property owned or leased by a  
138 public governmental body, and information that is  
139 voluntarily submitted by a nonpublic entity owning or  
140 operating an infrastructure to any public governmental body  
141 for use by that body to devise plans for protection of that  
142 infrastructure, the public disclosure of which would  
143 threaten public safety:

144 (a) Records related to the procurement of or  
145 expenditures relating to security systems purchased with  
146 public funds shall be open;

147 (b) When seeking to close information pursuant to this  
148 exception, the public governmental body shall affirmatively  
149 state in writing that disclosure would impair the public  
150 governmental body's ability to protect the security or  
151 safety of persons or real property, and shall in the same  
152 writing state that the public interest in nondisclosure  
153 outweighs the public interest in disclosure of the records;

154           (c) Records that are voluntarily submitted by a  
155 nonpublic entity shall be reviewed by the receiving agency  
156 within ninety days of submission to determine if retention  
157 of the document is necessary in furtherance of a state  
158 security interest. If retention is not necessary, the  
159 documents shall be returned to the nonpublic governmental  
160 body or destroyed;

161           (20) The portion of a record that identifies security  
162 systems or access codes or authorization codes for security  
163 systems of real property;

164           (21) Records that identify the configuration of  
165 components or the operation of a computer, computer system,  
166 computer network, or telecommunications network, and would  
167 allow unauthorized access to or unlawful disruption of a  
168 computer, computer system, computer network, or  
169 telecommunications network of a public governmental body.  
170 This exception shall not be used to limit or deny access to  
171 otherwise public records in a file, document, data file or  
172 database containing public records. Records related to the  
173 procurement of or expenditures relating to such computer,  
174 computer system, computer network, or telecommunications  
175 network, including the amount of moneys paid by, or on  
176 behalf of, a public governmental body for such computer,  
177 computer system, computer network, or telecommunications  
178 network shall be open;

179           (22) Credit card numbers, personal identification  
180 numbers, digital certificates, physical and virtual keys,  
181 access codes or authorization codes that are used to protect  
182 the security of electronic transactions between a public  
183 governmental body and a person or entity doing business with  
184 a public governmental body. Nothing in this section shall  
185 be deemed to close the record of a person or entity using a

186 credit card held in the name of a public governmental body  
187 or any record of a transaction made by a person using a  
188 credit card or other method of payment for which  
189 reimbursement is made by a public governmental body;

190 (23) Records submitted by an individual, corporation,  
191 or other business entity to a public institution of higher  
192 education in connection with a proposal to license  
193 intellectual property or perform sponsored research and  
194 which contains sales projections or other business plan  
195 information the disclosure of which may endanger the  
196 competitiveness of a business;

197 (24) Records relating to foster home or kinship  
198 placements of children in foster care under section 210.498;  
199 and

200 (25) Individually identifiable customer usage and  
201 billing records for customers of a municipally owned  
202 utility, unless the records are requested by the customer or  
203 authorized for release by the customer, except that a  
204 municipally owned utility shall make available to the public  
205 the customer's name, billing address, location of service,  
206 and dates of service provided for any commercial service  
207 account.

✓