

SECOND REGULAR SESSION

SENATE BILL NO. 888

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time January 9, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5668S.011

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 eighteen new sections relating to criminal history records, with existing penalty provisions.

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43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543,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, to read as follows:

43.500. As used in sections 43.500 to [43.543] **43.651**, the following terms mean:

(1) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history information, including fingerprint searches, photographs, and other unique biometric identification;

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

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

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

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

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

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

25 (7) "Missouri charge code", a unique number assigned by the office of state
26 courts administrator to an offense for tracking and grouping offenses. Beginning
27 January 1, 2005, the complete charge code shall consist of digits assigned by the
28 office of state courts administrator, the two-digit national crime information
29 center modifiers and a single digit designating attempt, accessory, or
30 conspiracy. The only exception to the January 1, 2005, date shall be the courts
31 that are not using the statewide court automation case management pursuant to
32 section 476.055; the effective date will be as soon thereafter as economically
33 feasible for all other courts;

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

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

43.503. 1. For the purpose of maintaining complete and accurate criminal
2 history record information, all police officers of this state, the clerk of each court,
3 the department of corrections, the sheriff of each county, the chief law
4 enforcement official of a city not within a county and the prosecuting attorney of
5 each county or the circuit attorney of a city not within a county shall submit

6 certain criminal arrest, charge, and disposition information to the central
7 repository for filing without undue delay in the form and manner required by
8 sections 43.500 to [43.543] **43.651**.

9 2. All law enforcement agencies making misdemeanor and felony arrests
10 as determined by section 43.506 shall furnish without undue delay, to the central
11 repository, fingerprints, photograph, and if available, any other unique biometric
12 identification collected, charges, appropriate charge codes, and descriptions of all
13 persons who are arrested for such offenses on standard fingerprint forms supplied
14 or approved by the highway patrol or electronically in a format and manner
15 approved by the highway patrol and in compliance with the standards set by the
16 Federal Bureau of Investigation in its Automated Fingerprint Identification
17 System or its successor program. All such agencies shall also notify the central
18 repository of all decisions not to refer such arrests for prosecution. An agency
19 making such arrests may enter into arrangements with other law enforcement
20 agencies for the purpose of furnishing without undue delay such fingerprints,
21 photograph, and if available, any other unique biometric identification collected,
22 charges, appropriate charge codes, and descriptions to the central repository upon
23 its behalf.

24 3. In instances where an individual less than seventeen years of age and
25 not currently certified as an adult is taken into custody for an offense which
26 would be a felony if committed by an adult, the arresting officer shall take
27 fingerprints for the central repository. These fingerprints shall be taken on
28 fingerprint cards supplied by or approved by the highway patrol or transmitted
29 electronically in a format and manner approved by the highway patrol and in
30 compliance with the standards set by the Federal Bureau of Investigation in its
31 Automated Fingerprint Identification System or its successor program. The
32 fingerprint cards shall be so constructed that the name of the juvenile should not
33 be made available to the central repository. The individual's name and the
34 unique number associated with the fingerprints and other pertinent information
35 shall be provided to the court of jurisdiction by the agency taking the juvenile
36 into custody. The juvenile's fingerprints and other information shall be
37 forwarded to the central repository and the courts without undue delay. The
38 fingerprint information from the card shall be captured and stored in the
39 automated fingerprint identification system operated by the central repository. In
40 the event the fingerprints are found to match other tenprints or unsolved latent
41 prints, the central repository shall notify the submitting agency who shall notify

42 the court of jurisdiction as per local agreement. Under section 211.031, in
43 instances where a juvenile over fifteen and one-half years of age is alleged to have
44 violated a state or municipal traffic ordinance or regulation, which does not
45 constitute a felony, and the juvenile court does not have jurisdiction, the juvenile
46 shall not be fingerprinted unless certified as an adult.

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

64 5. The prosecuting attorney of each county or the circuit attorney of a city
65 not within a county or the municipal prosecuting attorney shall notify the central
66 repository on standard forms supplied by the highway patrol or in a manner
67 approved by the highway patrol of his or her decision to not file a criminal charge
68 on any charge referred to such prosecuting attorney or circuit attorney for
69 criminal charges. All records forwarded to the central repository and the courts
70 by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall
71 include the state offense cycle number of the offense, the charge code for the
72 offense, and the originating agency identifier number of the reporting prosecutor,
73 using such numbers as assigned by the highway patrol.

74 6. The clerk of the courts of each county or city not within a county or
75 municipal court clerk shall furnish the central repository, on standard forms
76 supplied by the highway patrol or in a manner approved by the highway patrol,
77 with a record of all charges filed, including all those added subsequent to the

78 filing of a criminal court case, amended charges, and all final dispositions of cases
79 for which the central repository has a record of an arrest or a record of
80 fingerprints reported pursuant to sections 43.500 to 43.506. Such information
81 shall include, for each charge:

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

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

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

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

93 7. The clerk of the courts of each county or city not within a county shall
94 furnish, to the department of corrections or department of mental health, court
95 judgment and sentence documents and the state offense cycle number and the
96 charge code of the offense which resulted in the commitment or assignment of an
97 offender to the jurisdiction of the department of corrections or the department of
98 mental health if the person is committed pursuant to chapter 552. This
99 information shall be reported to the department of corrections or the department
100 of mental health at the time of commitment or assignment. If the offender was
101 already in the custody of the department of corrections or the department of
102 mental health at the time of such subsequent conviction, the clerk shall furnish
103 notice of such subsequent conviction to the appropriate department by certified
104 mail, return receipt requested, or in a manner and format mutually agreed to,
105 within fifteen days of such disposition.

106 8. Information and fingerprints, photograph and if available, any other
107 unique biometric identification collected, forwarded to the central repository,
108 normally obtained from a person at the time of the arrest, may be obtained at any
109 time the subject is in the criminal justice system or committed to the department
110 of mental health. A law enforcement agency or the department of corrections may
111 fingerprint, photograph, and capture any other unique biometric identification of
112 the person unless collecting other unique biometric identification of the person
113 is not financially feasible for the law enforcement agency, and obtain the

114 necessary information at any time the subject is in custody. If at the time of any
115 court appearance, the defendant has not been fingerprinted and photographed for
116 an offense in which a fingerprint and photograph is required by statute to be
117 collected, maintained, or disseminated by the central repository, the court shall
118 order a law enforcement agency or court marshal to fingerprint and photograph
119 immediately the defendant. The order for fingerprints shall contain the offense,
120 charge code, date of offense, and any other information necessary to complete the
121 fingerprint card. The law enforcement agency or court marshal shall submit such
122 fingerprints, photograph, and if available, any other unique biometric
123 identification collected, to the central repository without undue delay and within
124 thirty days and shall furnish the offense cycle number associated with the
125 fingerprints to the prosecuting attorney or the circuit attorney of a city not within
126 a county and to the court clerk of the court ordering the subject fingerprinted.

127 9. The department of corrections and the department of mental health
128 shall furnish the central repository with all information concerning the receipt,
129 escape, execution, death, release, pardon, parole, commutation of sentence,
130 granting of executive clemency, legal name change, or discharge of an individual
131 who has been sentenced to that department's custody for any offenses which are
132 mandated by law to be collected, maintained or disseminated by the central
133 repository. All records forwarded to the central repository by the department as
134 required by sections 43.500 to [43.543] **43.651** shall include the offense cycle
135 number of the offense, and the originating agency identifier number of the
136 department using such numbers as assigned by the highway patrol.

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

 43.506. 1. Those offenses considered reportable for the purposes of
2 sections 43.500 to [43.543] **43.651** include all felonies; class A misdemeanors; all

3 violations for driving under the influence of drugs or alcohol; any offense that can
4 be enhanced to a class A misdemeanor or higher for subsequent violations; and
5 comparable ordinance violations consistent with the reporting standards
6 established by the National Crime Information Center, Federal Bureau of
7 Investigation, for the Federal Interstate Identification Index System; and all
8 cases arising under chapter 566. The following types of offenses shall not be
9 considered reportable for the purposes of sections 57.403, 43.500 to [43.543]
10 **43.651**, and 595.200 to 595.218: nonspecific charges of suspicion or investigation,
11 general traffic violations and all misdemeanor violations of the state wildlife code.
12 All offenses considered reportable shall be reviewed annually and noted in the
13 Missouri charge code manual established in section 43.512. All information
14 collected pursuant to sections 43.500 to [43.543] **43.651** shall be available only
15 as set forth in section 610.120.

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

21 3. In addition to the repository of fingerprint records for individual
22 offenders and applicants, the central repository of criminal history and
23 identification records for the state shall maintain a repository of latent prints,
24 palm prints and other unique biometric identification submitted to the repository.

43.509. The director of the department of public safety shall, in
2 accordance with the provisions of chapter 536, establish such rules and
3 regulations as are necessary to implement the provisions of sections 43.500 to
4 [43.543] **43.651**. All collection and dissemination of criminal history information
5 shall be in compliance with chapter 610 and applicable federal laws or
6 regulations. Such rules shall relate to the collection of criminal history
7 information from or dissemination of such information to criminal justice,
8 noncriminal justice, and private agencies or citizens both in this and other states.
9 No rule or portion of a rule promulgated under the authority of sections 43.500
10 to [43.543] **43.651** shall become effective unless it has been promulgated
11 pursuant to the provisions of section 536.024.

43.527. For purposes of sections 43.500 to [43.543] **43.651** all federal and
2 nonstate of Missouri agencies and persons shall pay for criminal records checks,
3 fingerprint searches, and any of the information as defined in subdivision (4) of

4 section 43.500, when such information is not related to the administration of
5 criminal justice. There shall be no charge for information supplied to criminal
6 justice agencies for the administration of criminal justice. For purposes of
7 sections 43.500 to [43.543] **43.651** the administration of criminal justice is
8 defined in subdivision (1) of section 43.500 and shall be available only as set forth
9 in section 610.120.

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

8 2. For each request requiring the payment of a fee received by the central
9 repository, the requesting entity shall pay a fee of not more than twenty dollars
10 per request for criminal history record information based on a fingerprint search,
11 unless the request is required under the provisions of subdivision (6) of section
12 210.481, section 210.487, or section 571.101, in which case the fee shall be
13 fourteen dollars.

14 3. A request made under subsections 1 and 2 of this section shall be
15 limited to check and search on one individual. Each request shall be
16 accompanied by a check, warrant, voucher, money order, or electronic payment
17 payable to the state of Missouri-criminal record system or payment shall be made
18 in a manner approved by the highway patrol. The highway patrol may establish
19 procedures for receiving requests for criminal history record information for
20 classification and search for fingerprints, from courts and other entities, and for
21 the payment of such requests. There is hereby established by the treasurer of the
22 state of Missouri a fund to be entitled as the "Criminal Record System
23 Fund". Notwithstanding the provisions of section 33.080 to the contrary, if the
24 moneys collected and deposited into this fund are not totally expended annually
25 for the purposes set forth in sections 43.500 to [43.543] **43.651**, the unexpended
26 moneys in such fund shall remain in the fund and the balance shall be kept in
27 the fund to accumulate from year to year.

43.535. 1. [Law enforcement agencies within the state of Missouri may
2 perform a Missouri criminal record review for only open records through the
3 MULES system for the purpose of hiring of municipal or county governmental

4 employees. For each request, other than those related to the administration of
5 criminal justice, the requesting entity shall pay a fee to the central repository,
6 pursuant to section 43.530. For purposes of this section, "requesting entity" shall
7 not be the law enforcement agency unless the request is made by the law
8 enforcement agency for purposes of hiring law enforcement personnel.

9 2.] Municipalities and counties may, by local or county ordinance, require
10 the fingerprinting of applicants or licensees in specified occupations for the
11 purpose of receiving criminal history record information by local or county
12 officials. A copy of the ordinance must be forwarded for approval to the Missouri
13 state highway patrol prior to the submission of fingerprints to the central
14 repository. The local or county law enforcement agency shall submit a set of
15 fingerprints of the applicant or licensee, accompanied with the appropriate fees,
16 to the central repository for the purpose of checking the person's criminal history
17 **under section 43.540.** The set of fingerprints shall be used to search the
18 Missouri criminal records repository and shall be submitted to the Federal
19 Bureau of Investigation to be used for searching the federal criminal history files
20 if necessary. The fingerprints shall be submitted on forms and in the manner
21 prescribed by the Missouri state highway patrol. Notwithstanding the provisions
22 of section 610.120, all records related to any criminal history information
23 discovered shall be accessible and available to the municipal or county officials
24 making the record request.

25 [3.] 2. All criminal record check information shall be confidential and any
26 person who discloses the information beyond the scope allowed is guilty of a class
27 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
3 of state government designated by the statutes of Missouri to issue or renew a
4 license, permit, certification, or registration of authority to a qualified entity]

5 **"Applicant", a person who:**

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

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

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

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

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

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

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

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

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

27 [(5)] **(6) "National Rap Back program", shall include any type of**
28 **automatic notification made by Federal Bureau of Investigation**
29 **through the Missouri state highway patrol to a qualified entity**
30 **indicating that an applicant who is employed, licensed, or otherwise**
31 **under the purview of that entity has been arrested for a reported**
32 **criminal offense outside the state of Missouri and the fingerprints for**
33 **that arrest were forwarded to the Federal Bureau of Investigation by**
34 **the arresting agency;**

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

40 [(6)] "Provider", a person who:

41 (a) Has or may have unsupervised access to children, the elderly, or
42 persons with disabilities; and

43 (b) a. Is employed by or seeks employment with a qualified entity; or

44 b. Volunteers or seeks to volunteer with a qualified entity; or

45 c. Owns or operates a qualified entity;

46 [(7)] **(8) "Qualified entity", an entity that is:**

47 **(a) A person, business, or organization, whether public or private, for**
48 **profit, not for profit, or voluntary, that provides care, care placement, or**

49 educational services for children, the elderly, or persons with disabilities as
50 patients or residents, including a business or organization that licenses or
51 certifies others to provide care or care placement services;

52 **(b) An office or division of state, county, or municipal**
53 **government, including a political subdivision or a board or commission**
54 **designated by statute or approved local ordinance, to issue or renew a**
55 **license, permit, certification, or registration of authority; or**

56 **(c) An office or division of state, county, or municipal**
57 **government, including a political subdivision or a board or commission**
58 **designated by statute or approved local ordinance, to make fitness**
59 **determinations on applications for state, county, or municipal**
60 **government employment; or**

61 **(d) A criminal justice agency including law enforcement agencies**
62 **that screen persons seeking issuance or renewal of a license, permit,**
63 **certificate, or registration to purchase or possess a firearm; or**

64 **(e) Any entity that is authorized to obtain criminal history**
65 **record information under 28 CFR 20.33.**

66 **[(8)] (9) "Youth services agency", any public or private agency, school, or**
67 **association which provides programs, care or treatment for or which exercises**
68 **supervision over minors.**

69 2. [A qualified entity may obtain a Missouri criminal record review of a
70 provider from the highway patrol by furnishing information on forms and in the
71 manner approved by the highway patrol.] **The central repository shall have**
72 **the authority to submit applicant fingerprints to the National Rap Back**
73 **program to be retained for the purpose of being searched against**
74 **future submissions to the National Rap Back program, including latent**
75 **fingerprint searches. Qualified entities may conduct Missouri and**
76 **national criminal record reviews on applicants and participate in**
77 **Missouri and National Rap Back programs for the purpose of**
78 **determining suitability or fitness for a permit, license, or employment,**
79 **and shall abide by the following requirements:**

80 **(1) The qualified entity shall register with the Missouri state**
81 **highway patrol prior to submitting a request for screening under this**
82 **section. As part of such registration, the qualified entity shall indicate**
83 **if it chooses to enroll their applicants in the Missouri and National Rap**
84 **Back programs;**

85 **(2) Qualified entities shall notify applicants subject to a criminal**

86 record review under this section that the applicant's fingerprints shall
87 be retained by the state central repository and the Federal Bureau of
88 Investigation and shall be searched against other fingerprints on file,
89 including latent fingerprints;

90 (3) Qualified entities shall notify applicants subject to
91 enrollment in the National Rap Back program that the applicant's
92 fingerprints, while retained, may continue to be compared against
93 other fingerprints submitted or retained by the Federal Bureau of
94 Investigation, including latent fingerprints;

95 (4) The criminal record review and Rap Back process described
96 in this section shall be voluntary and conform to the requirements
97 established in the National Child Protection Act of 1993, as amended,
98 and other applicable state or federal law. As a part of the registration,
99 the qualified entity shall agree to comply with state and federal law
100 and shall indicate so by signing an agreement approved by the Missouri
101 state highway patrol. The Missouri state highway patrol may
102 periodically audit qualified entities to ensure compliance with federal
103 law and this section;

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

107 (6) Each request shall be accompanied by a reasonable fee, as
108 provided in section 43.530, plus the amount required, if any, by the
109 Federal Bureau of Investigation for the national criminal record review
110 and enrollment in the National Rap Back program in compliance with
111 the National Child Protection Act of 1993, as amended, and other
112 applicant state or federal laws;

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

117 (8) The national criminal history data is available to qualified
118 entities to use only for the purpose of screening applicants as described
119 under this section. The Missouri state highway patrol shall provide the
120 applicant's national criminal history record information directly to the
121 qualified entity;

122 (9) The determination whether the criminal history record shows

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

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

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

148 3. [A qualified entity may request a Missouri criminal record review and
149 a national criminal record review of a provider through an authorized state
150 agency. No authorized state agency is required by this section to process
151 Missouri or national criminal record reviews for a qualified entity, however, if an
152 authorized state agency agrees to process Missouri and national criminal record
153 reviews for a qualified entity, the qualified entity shall provide to the authorized
154 state agency on forms and in a manner approved by the highway patrol the
155 following:

156 (1) Two sets of fingerprints of the provider if a national criminal record
157 review is requested;

158 (2) A statement signed by the provider which contains:

159 (a) The provider's name, address, and date of birth;

160 (b) Whether the provider has been convicted of or has pled guilty to a
161 crime which includes a suspended imposition of sentence;

162 (c) If the provider has been convicted of or has pled guilty to a crime, a
163 description of the crime, and the particulars of the conviction or plea;

164 (d) The authority of the qualified entity to check the provider's criminal
165 history;

166 (e) The right of the provider to review the report received by the qualified
167 entity; and

168 (f) The right of the provider to challenge the accuracy of the report. If the
169 challenge is to the accuracy of the criminal record review, the challenge shall be
170 made to the highway patrol.] **The criminal record review shall include the**
171 **submission of fingerprints to:**

172 (1) **The Missouri state highway patrol who shall conduct a**
173 **Missouri criminal record review including closed record information**
174 **under section 610.120; and**

175 (2) **The Missouri state highway patrol shall also forward a copy**
176 **of the applicant's fingerprints to the Federal Bureau of Investigation**
177 **for a national criminal record review.**

178 4. [The authorized state agency shall forward the required forms and fees
179 to the highway patrol. The results of the record review shall be forwarded to the
180 authorized state agency who will notify the qualified entity. The authorized state
181 agency may assess a fee to the qualified entity to cover the cost of handling the
182 criminal record review and may establish an account solely for the collection and
183 dissemination of fees associated with the criminal record reviews.] **The**
184 **applicant subject to a criminal record review shall provide the**
185 **following information to the qualified entity:**

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

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

192 (a) **Name;**

193 (b) **Date of birth;**

194 (c) **Height;**

195 (d) **Weight;**

- 196 **(e) Eye color;**
197 **(f) Hair color;**
198 **(g) Gender;**
199 **(h) Race;**
200 **(i) Place of birth;**
201 **(j) Social Security Number; and**
202 **(k) The applicant's photo.**

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

211 6. **A qualified entity enrolled in either the Missouri or National**
212 **Rap Back programs shall be notified by the Missouri state highway**
213 **patrol that a new arrest has been reported on an applicant that is**
214 **employed, licensed, or otherwise under the purview of the qualified**
215 **entity. Upon receiving the Rap Back notification, if the qualified entity**
216 **deems that the applicant is still serving in an active capacity, the entity**
217 **may request and receive the individual's updated criminal history**
218 **record. This process shall only occur if:**

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

223 **(2) The individual upon which the Rap Back notification is being**
224 **made has previously had a Missouri and national criminal record**
225 **review completed for the qualified entity under this section within the**
226 **previous six years; and**

227 **(3) The individual upon which the Rap Back notification is being**
228 **made is a current employee, licensee, or otherwise still actively under**
229 **the purview of the qualified entity.**

230 7. The highway patrol shall make available or approve the necessary
231 forms, procedures, and agreements necessary to implement the provisions of this
232 section.

43.543. Any state agency listed in section 621.045, the division of professional registration of the department of insurance, financial institutions and professional registration, the department of social services, the supreme court of Missouri, the state courts administrator, the department of elementary and secondary education, the department of natural resources, the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency which screens persons seeking employment with such agencies or issuance or renewal of a license, permit, certificate, or registration of authority from such agencies; or any state, municipal, or county agency or committee, or state school of higher education which is authorized by state statute or executive order, or local or county ordinance to screen applicants or candidates seeking or considered for employment, assignment, contracting, or appointment to a position within state, municipal, or county government; or the Missouri peace officers standards and training, POST, commission which screens persons, not employed by a criminal justice agency, who seek enrollment or access into a certified POST training academy police school, or persons seeking a permit to purchase or possess a firearm for employment as a watchman, security personnel, or private investigator; or law enforcement agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm shall submit [two sets of] fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history **under section 43.540**. The [first set of] fingerprints shall be used to search the Missouri criminal records repository and the [second set shall be submitted to the] Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible 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 applicants in specified occupations or appointments within the state agency, board, or commission for the purpose of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such occupation or appointment.

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

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

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

192.2495. 1. For the purposes of this section, the term "provider" means
2 any person, 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
5 services or its divisions;
- 6 (3) Employs health care providers as defined in section 376.1350 for

7 temporary or 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
10 specialized service operated, funded or licensed by the department of mental
11 health; or

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

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

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

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

43 available to the provider making the record request; and

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

47 4. When the provider requests a criminal background check pursuant to
48 section 43.540, the requesting entity may require that the applicant reimburse
49 the provider for the cost of such record check. When a provider requests a
50 nationwide criminal background check pursuant to subdivision (1) of subsection
51 3 of this section, the total cost to the provider of any background check required
52 pursuant to this section shall not exceed five dollars which shall be paid to the
53 state. State funding and the obligation of a provider to obtain a nationwide
54 criminal background check shall be subject to the availability of appropriations.

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

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

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

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

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

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

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

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

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

92 10. Except for the hiring restriction based on the department of health
93 and senior services employee disqualification list established pursuant to section
94 192.2490, the department of health and senior services shall promulgate rules
95 and regulations to waive the hiring restrictions pursuant to this section for good
96 cause. For purposes of this section, "good cause" means the department has made
97 a determination by examining the employee's prior work history and other
98 relevant factors that such employee does not present a risk to the health or safety
99 of residents.

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

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

11 (2) Shall determine or, in the case of the juvenile court, shall request the
12 division to determine whether any person over the age of seventeen years residing
13 in the home is listed on the child abuse and neglect registry. For any children
14 less than seventeen years of age residing in the home, the children's division
15 shall inquire of the person with whom an emergency placement of a child will be

16 made whether any children less than seventeen years of age residing in the home
17 have ever been certified as an adult and convicted of or pled guilty or nolo
18 contendere to any crime.

19 2. If a name-based search has been conducted pursuant to subsection 1
20 of this section, within fifteen calendar days after the emergency placement of the
21 child in the private home, and if the private home has not previously been
22 approved as a foster or adoptive home, all persons over the age of seventeen
23 residing in the home and all children less than seventeen residing in the home
24 who the division has determined have been certified as an adult for the
25 commission of a crime shall report to a local law enforcement agency for the
26 purpose of providing [three sets of] fingerprints [each] and accompanying fees,
27 pursuant to [section] **sections 43.530 and 43.540**. [One set of fingerprints shall
28 be used by the highway patrol to search the criminal history repository, one set
29 shall be forwarded to the Federal Bureau of Investigation for searching the
30 federal criminal history files, and one set shall be forwarded to and retained by
31 the division.] Results of the checks shall be provided to the juvenile court or
32 children's division office requesting such information. Any child placed in
33 emergency placement in a private home shall be removed immediately if any
34 person residing in the home fails to provide fingerprints after being requested to
35 do so, unless the person refusing to provide fingerprints ceases to reside in the
36 private home.

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

50 4. No person who submits fingerprints under this section shall be required
51 to submit additional fingerprints under this section or section 210.487 unless the

52 original fingerprints retained by the division are lost or destroyed.

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

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

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

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

10 (2) Obtain [three sets of] fingerprints for any person over the age of
11 seventeen in the applicant's household and for any child less than seventeen
12 years of age residing in the applicant's home who the division has determined has
13 been certified as an adult for the commission of a crime in the same manner set
14 forth in subsection 2 of section 210.482. [One set of fingerprints shall be used by
15 the highway patrol to search the criminal history repository, one set shall be
16 forwarded to the Federal Bureau of Investigation for searching the federal
17 criminal history files, and one set shall be forwarded to and retained by the
18 division.] The highway patrol shall assist the division and provide the criminal
19 fingerprint background information, upon request **under section 43.540**; and

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

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

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

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

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

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

43 5. The division may promulgate rules that are necessary to implement the
44 provisions of this section. Any rule or portion of a rule, as that term is defined
45 in section 536.010, that is created under the authority delegated in this section
46 shall become effective only if it complies with and is subject to all of the
47 provisions of chapter 536 and, if applicable, section 536.028. This section and
48 chapter 536 are nonseverable and if any of the powers vested with the general
49 assembly pursuant to chapter 536 to review, to delay the effective date, or to
50 disapprove and annul a rule are subsequently held unconstitutional, then the
51 grant of rulemaking authority and any rule proposed or adopted after August 28,
52 2004, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

43 (10) To any person who has been found guilty of acting with criminal
44 negligence while driving while intoxicated to cause the death of another person,
45 or to any person who has been convicted twice within a five-year period of
46 violating state law, county or municipal ordinance of driving while intoxicated,
47 or any other intoxication-related traffic offense as defined in section 577.001,
48 except that, after the expiration of five years from the date of conviction of the

49 last offense of violating such law or ordinance, a person who was so convicted may
50 petition the circuit court of the county in which such last conviction was rendered
51 and the court shall review the person's habits and conduct since such conviction,
52 including the results of a criminal history check as defined in section 302.010. If
53 the court finds that the petitioner has not been found guilty of, and has no
54 pending charges for any offense related to alcohol, controlled substances, or drugs
55 and has no other alcohol-related enforcement contacts as defined in section
56 302.525 during the preceding five years, and that the petitioner's habits and
57 conduct show such petitioner to no longer pose a threat to the public safety of this
58 state, the court shall order the director to issue a license to the petitioner if the
59 petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to
60 302.540;

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

63 (12) To any person who is under the age of eighteen years, if such person's
64 parents or legal guardians file a certified document with the department of
65 revenue stating that the director shall not issue such person a driver's
66 license. Each document filed by the person's parents or legal guardians shall be
67 made upon a form furnished by the director and shall include identifying
68 information of the person for whom the parents or legal guardians are denying
69 the driver's license. The document shall also contain identifying information of
70 the person's parents or legal guardians. The document shall be certified by the
71 parents or legal guardians to be true and correct. This provision shall not apply
72 to any person who is legally emancipated. The parents or legal guardians may
73 later file an additional document with the department of revenue which
74 reinstates the person's ability to receive a driver's license.

75 2. Any person whose license is reinstated under the provisions of
76 subdivision (9) or (10) of subsection 1 of this section shall be required to file proof
77 with the director of revenue that any motor vehicle operated by the person is
78 equipped with a functioning, certified ignition interlock device as a required
79 condition of reinstatement. The ignition interlock device required for
80 reinstatement under this subsection and for obtaining a limited driving privilege
81 under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309
82 shall have a photo identification technology feature, and a court may require a
83 global positioning system feature for such device. The ignition interlock device
84 shall further be required to be maintained on all motor vehicles operated by the

85 person for a period of not less than six months immediately following the date of
86 reinstatement. If the monthly monitoring reports show that the ignition interlock
87 device has registered any confirmed blood alcohol concentration readings above
88 the alcohol setpoint established by the department of transportation or that the
89 person has tampered with or circumvented the ignition interlock device within
90 the last three months of the six-month period of required installation of the
91 ignition interlock device, then the period for which the person must maintain the
92 ignition interlock device following the date of reinstatement shall be extended
93 until the person has completed three consecutive months with no violations as
94 described in this section. If the person fails to maintain such proof with the
95 director, the license shall be suspended until proof as required by this section is
96 filed with the director.

97 3. Any person who petitions the court for reinstatement of his or her
98 license pursuant to subdivision (9) or (10) of subsection 1 of this section shall
99 make application with the Missouri state highway patrol as provided in section
100 43.540, and shall submit [two sets of] fingerprints collected pursuant to
101 standards as determined by the highway patrol. [One set of] Fingerprints shall
102 be used by the highway patrol to search the criminal history repository and [the
103 second set shall be forwarded to] the Federal Bureau of Investigation for
104 searching the federal criminal history files. At the time of application, the
105 applicant shall supply to the highway patrol the court name and case number for
106 the court where he or she has filed his or her petition for reinstatement. The
107 applicant shall pay the fee for the state criminal history check pursuant to section
108 43.530 and pay the appropriate fee determined by the Federal Bureau of
109 Investigation for the federal criminal history record. The Missouri highway
110 patrol, upon receipt of the results of the criminal history check, shall forward a
111 copy of the results to the circuit court designated by the applicant and to the
112 department. Notwithstanding the provisions of section 610.120, all records
113 related to any criminal history check shall be accessible and available to the
114 director and the court.

313.810. 1. A person shall not be issued a license to conduct gambling
2 games on an excursion gambling boat or a license to operate an excursion
3 gambling boat, an occupational license, or a supplier license unless the person
4 has completed and signed an application on the form prescribed and published
5 by the commission. The application shall include the full name, residence, date
6 of birth and other personal identifying information as the commission deems

7 necessary, including but not limited to, the information specified in section
8 313.847. The application shall also indicate whether the applicant has any of the
9 following:

10 (1) A record of conviction of a felony; or

11 (2) A current addiction to a controlled substance.

12 2. The commission shall submit [two sets of] fingerprints for any person
13 seeking employment with the commission or any person who is seeking the
14 issuance or renewal of a license issued by the commission, for the purpose of
15 checking the person's prior criminal history when the commission determines a
16 nationwide check is warranted. The fingerprint cards and any required fees shall
17 be sent to the Missouri state highway patrol's central repository. The [first set
18 of] fingerprints shall be used for searching the state [repository of] criminal
19 history [information. The second set of fingerprints] **repository and shall also**
20 be forwarded to the Federal Bureau of Investigation[, Identification Division,] for
21 the searching of the federal criminal history files **under section 43.540**. The
22 patrol shall notify the commission of any criminal history information or lack of
23 criminal history information discovered on the individual. Notwithstanding the
24 provisions of section 610.120, all records related to any criminal history
25 information discovered shall be accessible and available to the commission.

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

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

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

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

610.120. 1. Except as otherwise provided under section 610.124, records
2 required to be closed shall not be destroyed; they shall be inaccessible to the
3 general public and to all persons other than the defendant except as provided in
4 this section and [section 43.507] **chapter 43**. [The] Closed records shall be

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

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

✓