

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 873

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GIBBONS.

Read 1st time January 12, 2006, and ordered printed.

Read 2nd time January 19, 2006, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee April 13, 2006, with recommendation that the bill do pass.

Taken up for Perfection April 18, 2006. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

3944S.01P

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## AN ACT

To repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

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

Section A. Section 43.530, RSMo, is repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 26.142, 43.530, and 43.546, to  
3 read as follows:

**26.142. 1. The Missouri state highway patrol, at the direction of  
2 the governor, shall conduct background investigations of gubernatorial  
3 appointees who are subject to confirmation by the senate.**

4 **2. In order to facilitate the background investigation under  
5 subsection 1 of this section, and in accordance with the provisions of  
6 section 43.543, RSMo, the appointee shall submit a set of fingerprints  
7 collected under the standards determined by the Missouri highway  
8 patrol. The fingerprints and accompanying fees, unless alternately  
9 arranged, shall be forwarded to the highway patrol to be used to search  
10 the state criminal history repository and the fingerprints shall be  
11 forwarded to the Federal Bureau of Investigations for a national  
12 criminal background check. The background investigation may include  
13 criminal history record information and other source information**

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

14 **obtained by the highway patrol. Information received by the state**  
15 **highway patrol under this subsection shall be confidential and shall not**  
16 **be disclosed except to the governor or members of the governor's staff**  
17 **as necessary to determine the appointee's qualifications.**

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 [five]  
3 **nine** dollars per request for criminal history record information not based on a  
4 fingerprint search [when the requesting entity is required to obtain such  
5 information by any provision of state or federal law and pay a fee of not more  
6 than fourteen dollars per request for criminal history record information based  
7 on a fingerprint search when the requesting entity is required to obtain such  
8 information by any provision of state or federal law; provided that, when the  
9 requesting entity is not required to obtain such information by law, the  
10 requesting entity shall pay a fee of not more than ten dollars per request for  
11 criminal history record information not based on a fingerprint search and]. **In**  
12 **each year beginning on or after January 1, 2007, the central repository,**  
13 **in its discretion, may increase the fee paid by the requesting entity by**  
14 **an amount not to exceed one dollar per year, however, under no**  
15 **circumstance shall the fee paid by the requesting entity exceed fifteen**  
16 **dollars per request.**

17 **2. For each request requiring the payment of a fee received by**  
18 **the central repository, the requesting entity shall** pay a fee of not more  
19 than [twenty] **fifteen** dollars per request for criminal history record information  
20 based on a fingerprint search. [Each such request]

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

33 moneys in such fund shall remain in the fund and the balance shall be kept in  
34 the fund to accumulate from year to year.

**43.546. 1. Any state agency may require the fingerprinting of  
2 applicants in specified occupations designated by the agency for the  
3 purposes of positive identification and receiving criminal history  
4 record information when determining an applicant's ability or fitness  
5 to serve in such an occupation.**

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

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