

HB 582 -- Criminal Records

Co-Sponsors: Stevenson, Goodman, Moore, Phillips, Walker, Young, Dougherty, Donnelly, Jolly, Dusenberg

This bill makes several changes to the laws governing criminal records and the collection of information by law enforcement and the departments of Social Services, Health and Senior Services, and Mental Health. In its main provisions, the bill:

- (1) Requires records regarding arrests to be sent to the central repository within 15 days. Current law requires them to be sent within 30 days;
- (2) Allows the subject of a criminal record in the central repository to challenge the accuracy of the record;
- (3) Creates the crime of unlawful disclosure of criminal history information, a class A misdemeanor. The crime is committed when a person obtains "criminal history record information" from the central repository under false pretenses or disseminates the information to anyone other than the original requester for its intended purpose;
- (4) Expands the definition of licensed day care "provider" and defines "qualified entity" as a person or entity that provides health care, education, or recreation for children, the elderly, or the disabled;
- (5) Amends the process by which qualified entities (rather than "youth services agencies") may obtain a criminal record review of a provider;
- (6) Adopts the National Crime Prevention and Privacy Compact, which is an agreement to facilitate the exchange of criminal history information for noncriminal justice purposes;
- (7) Adds several state agencies to the list of entities requiring applicants to submit fingerprints for a criminal history check;
- (8) Prohibits school employees from having unsupervised contact with students until a criminal history background check has been completed by the state and the Federal Bureau of Investigation (FBI). If the background check reveals a conviction, the information will be reported to the Department of Elementary and Secondary Education. A school official making a report to the department under this section will not be held civilly liable. This section becomes effective on January 1, 2004;

(9) Allows the juvenile court or the Division of Family Services to request a criminal history record check on the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center on each person age 18 or older living in the home where a child will be temporarily placed. If a placement is denied and the denial is contested, those persons must submit fingerprints to be checked with the repository and the FBI;

(10) Requires the Division of Family Services, when investigating foster parent licensee applicants, to conduct a search for orders of protection issued against the applicant. The Office of State Courts Administrator must allow the division access to the automated court information system. Any court clerk contacted by the division must respond within 10 days;

(11) Adds several definitions to the Family Care Safety Act, including "registration-exempt worker," which is any person not required to register with the family care safety registry. The bill allows providers to request a background screening on registration-exempt workers;

(12) Allows the release of background screening information with the written permission of the applicant for purposes other than an employer-employee relationship;

(13) Allows the Department of Health and Senior Services and the Department of Mental Health to use registry information. Current law allows only the Department of Social Services to use it;

(14) Requires school bus driver permit applicants to submit fingerprints for a background check with the State Highway Patrol and the FBI. This section becomes effective on January 1, 2004;

(15) Expands the list of government entities which may have access to closed arrest records;

(16) Allows a criminal justice agency receiving a request for criminal history information to require positive identification, including fingerprints, before releasing closed records;

(17) Adds fingerprinting to the requirements for a person wishing to have an arrest expunged from his or her record;

(18) Allows mental health facilities to disclose confidential records to the Department of Health and Senior Services when reporting abuse, neglect, or rights violations of patients;

(19) Disqualifies an applicant from working in a mental health facility when the person has pled guilty to a felony with a suspended imposition of sentence. In addition, existing law

allows the director to grant an exception for some applicants with felony convictions, but the bill adds several felonies to the list of crimes for which no exception may be granted;

(20) Requires applicants for a direct care position at a mental health facility to sign a consent form to conduct a criminal background check and disclose his or her criminal history. The applicant is also required to disclose if he or she is listed on the employee disqualification list;

(21) Makes it a class A misdemeanor for a job applicant at a mental health facility to knowingly fail to disclose his or her criminal history;

(22) Makes it a class A misdemeanor for a provider to knowingly hire a person who has been disqualified from employment at a mental health facility; and

(23) Repeals a provision that prohibits the fingerprinting of juvenile offenders.