

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 1320
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 43.530, RSMo, is repealed and three new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

4 26.142. 1. The Missouri state highway patrol, at the
5 direction of the governor, shall conduct name or fingerprint
6 background investigations of gubernatorial appointees who are
7 subject to confirmation by the senate. The governor's direction
8 shall state whether the background investigation shall be a name
9 background investigation or a fingerprint background
10 investigation.

11 2. In order to facilitate a fingerprint background
12 investigation under subsection 1 of this section, and in
13 accordance with the provisions of section 43.543, RSMo, the
14 appointee shall submit a set of fingerprints collected under the
15 standards determined by the Missouri highway patrol. The
16 fingerprints and accompanying fees, unless alternately arranged,
17 shall be forwarded to the highway patrol to be used to search the
18 state criminal history repository and the fingerprints shall be
19 forwarded to the Federal Bureau of Investigations for a national

1 criminal background check. Any background investigation
2 conducted at the direction of the governor under subsection 1 of
3 this section may include criminal history record information and
4 other source information obtained by the highway patrol.
5 Information received by the state highway patrol under this
6 section shall be confidential and shall not be disclosed except
7 to the governor or members of the governor's staff as necessary
8 to determine the appointee's qualifications.

9 43.530. 1. For each request requiring the payment of a fee
10 received by the central repository, the requesting entity shall
11 pay a fee of not more than [five] nine dollars per request for
12 criminal history record information not based on a fingerprint
13 search [when the requesting entity is required to obtain such
14 information by any provision of state or federal law and pay a
15 fee of not more than fourteen dollars per request for criminal
16 history record information based on a fingerprint search when the
17 requesting entity is required to obtain such information by any
18 provision of state or federal law; provided that, when the
19 requesting entity is not required to obtain such information by
20 law, the requesting entity shall pay a fee of not more than ten
21 dollars per request for criminal history record information not
22 based on a fingerprint search and]. In each year beginning on or
23 after January 1, 2007, the central repository, in its discretion,
24 may increase the fee paid by the requesting entity by an amount
25 not to exceed one dollar per year, however, under no circumstance
26 shall the fee paid by the requesting entity exceed fifteen
27 dollars per request.

28 2. For each request requiring the payment of a fee received

1 by the central repository, the requesting entity shall pay a fee
2 of not more than [twenty] fifteen dollars per request for
3 criminal history record information based on a fingerprint
4 search. [Each such request]

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

23 43.546. 1. Any state agency may require the fingerprinting
24 of applicants in specified occupations within the state agency
25 for the purposes of positive identification and receiving
26 criminal history record information when determining an
27 applicant's ability or fitness to serve in such an occupation.

28 2. In order to facilitate the criminal background check

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