

SECOND REGULAR SESSION

HOUSE BILL NO. 1862

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (90) (Sponsor), LIPKE, HARRIS (23), ROORDA,
JONES, PARSON AND DUSENBERG (Co-sponsors).

Read 1st time February 23, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5054L.02I

AN ACT

To amend chapters 57 and 488, RSMo, by adding thereto two new sections relating to booking charges, with a penalty provision.

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

Section A. Chapters 57 and 488, RSMo, are amended by adding thereto two new
2 sections, to be known as sections 57.287 and 488.5325, to read as follows:

**57.287. 1. Sheriffs, chiefs of police, or the chief law enforcement officer of any law
2 enforcement department or agency in this state which has any type of jail or detention
3 facility where persons who have been arrested are booked or processed through such
4 facilities shall be allowed a booking charge of twenty-five dollars for each booking or
5 processing occurrence of a person through their jail or detention facility.**

**2. The twenty-five dollar booking charge shall be assessed, paid, and collected
7 under the provisions of section 488.5325, RSMo.**

**3. The sheriff, chief of police, or the chief law enforcement officer of any law
9 enforcement department or agency described in subsection 1 of this section shall establish
10 and maintain a separate banking account which shall be controlled solely by such law
11 enforcement official for the receipt of money collected for the booking charge and to be
12 used solely for the purposes described in subsection 4 of this section. This banking account
13 shall not be part of the annual budget for the sheriff or chief of police or other chief law
14 enforcement official and shall not be used in lieu of any part of the annual budget of such**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 sheriff, chief of police, or other chief law enforcement official. In addition the process of
16 charging, collecting, and paying such booking charges shall not be subject to oversight by
17 any political subdivision of the state, however, this process may be audited by the vendor
18 who provides the technology used to book or process an offender or the state auditors as
19 long as a thirty-day written advance notification is provided.

20 4. The money collected for booking charges shall be used by the sheriff, chief of
21 police, or the chief law enforcement officer of any law enforcement department or agency
22 described in subsection 1 of this section solely to pay vendors who provide their offices,
23 departments, or agencies with software technology which shall be approved by the
24 Missouri state highway patrol, and which shall be used for record keeping, identification,
25 incarceration, release reporting, and any other function relevant to jail or detention facility
26 management. Such technology shall include but not be limited to jail management systems
27 and record management systems.

28 5. The Missouri state highway patrol shall not approve any management system
29 which does not do the following:

30 (1) Allow electronic sharing of incarcerated inmates data with law enforcement
31 departments and agencies using the same or compatible technology; and

32 (2) Allow electronic fingerprints to be submitted for validation against the Missouri
33 state highway patrol database.

34 6. Any database or databases that are held for law enforcement by a third party
35 under the provisions of this section shall be protected by:

36 (1) The highest security technologies available; and

37 (2) Not less than one hundred twenty-eight bit SSL encryption.

38 7. Any information in the database or databases not deemed to be in the public
39 domain shall be restricted to authorized law enforcement personnel and anyone that holds
40 a database or databases for law enforcement shall not use in any way the data that they are
41 housing for law enforcement other than for the services they are providing to the law
42 enforcement departments or agencies.

43 8. Only authorized personnel shall have access to the database or databases and
44 any person other than authorized personnel who accesses the database or databases shall
45 be guilty of a class D felony.

46 9. No person who has pleaded guilty to or been found guilty of a felony shall hold
47 a database or databases for law enforcement.

48 10. Any vendor who wishes to provide any law enforcement department or agency
49 with technology to be used in jail or detention facility management or records management
50 systems under the provisions of this section:

51 (1) Shall provide such technology with the clear understanding that the only
52 payment that will be made to such vendor for such technology will be the money collected
53 from the booking charges;

54 (2) Shall fully disclose the ownership of the company;

55 (3) Shall fully disclose the names of the officers of the company;

56 (4) Shall fully disclose the names of other companies in which the officers or
57 company itself have ownership interests.

58 11. The sheriff, chief of police, or other chief law enforcement officer of any law
59 enforcement department or agency described in subsection 1 of this section shall, on a
60 monthly basis, from the proceeds deposited into the separate banking account created for
61 receiving the booking charges, pay the vendor or vendors providing technology to such
62 department or agency under the provisions of this section.

 488.5325. 1. Sheriff's, chief's of police, or the chief law enforcement officer of any
2 law enforcement department or agency in this state under the provisions of section 57.287,
3 RSMo, shall be allowed a per-person miscellaneous charge of twenty-five dollars, to be
4 known as a booking charge, for each occurrence a person is booked or processed through
5 their jail or other detention facility.

6 2. The twenty-five dollar booking charge shall be assessed by the court of
7 jurisdiction as costs in each criminal case involving violations of any county ordinance,
8 municipal ordinance, or a violation of any criminal or traffic laws of the state where the
9 defendant was arrested and booked or processed through a jail or other detention facility,
10 provided however, that no such booking charge shall be collected in any proceeding in any
11 court when the proceeding or the defendant has been dismissed by the court or when costs
12 are to be paid by the state, county, or municipality.

13 3. The booking charge may be paid by the person who was arrested at the time of
14 release, at the time such person posts bond, or when ordered to do so by the court of
15 jurisdiction. Any person who pays the booking charge at the time of release or at the time
16 such person posts bond and who subsequently has the charges which required them to be
17 booked or processed in the first place dropped or who is subsequently found not guilty of
18 the charges which required them to be booked or processed in the first place, shall receive
19 a full refund equal to the amount of the booking charge paid.

20 4. The twenty-five dollar booking charge shall be paid to and collected by the court
21 clerk who shall, at the beginning of each calendar month place all such booking charges
22 collected for the preceding month into a separate bank account established by the sheriff,
23 chief of police, or other chief law enforcement official for that specific purpose under the
24 provisions of section 57.287, RSMo.

25 **5. Any person who fails to pay the booking charge as ordered by the court may**
26 **have his or her probation or parole revoked and may be subject to a civil suit to enforce**
27 **payment and may in that suit be ordered to pay all reasonable attorney fees, expenses, and**
28 **costs in connection with that suit.**

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