

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 503, Page 1, Section A, Line 2, by inserting immediately after said section
2 and line the following:

3
4 "43.505. 1. The department of public safety is hereby designated as the central repository
5 for the collection, maintenance, analysis and reporting of crime incident activity generated by law
6 enforcement agencies in this state. The department shall develop and operate a uniform crime
7 reporting system that is compatible with the national uniform crime reporting system operated by
8 the Federal Bureau of Investigation.

9 2. The department of public safety shall:

10 (1) Develop, operate and maintain an information system for the collection, storage,
11 maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law
12 enforcement agencies;

13 (2) Compile the statistical data and forward such data as required to the Federal Bureau of
14 Investigation or the appropriate Department of Justice agency in accordance with the standards and
15 procedures of the national system;

16 (3) Provide the forms, formats, procedures, standards and related training or training
17 assistance to all law enforcement agencies in the state as necessary for such agencies to report
18 incident and arrest activity for timely inclusion into the statewide system;

19 (4) Annually publish a report on the nature and extent of crime and submit such report to
20 the governor and the general assembly. Such report and other statistical reports shall be made
21 available to state and local law enforcement agencies and the general public through an electronic or
22 manual medium;

23 (5) Maintain the privacy and security of information in accordance with applicable state and
24 federal laws, regulations and orders; and

25 (6) Establish such rules and regulations as are necessary for implementing the provisions of
26 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
27 under the authority delegated in this section shall become effective only if it complies with and is
28 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
29 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
30 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently
31 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
32 August 28, 2000, shall be invalid and void.

33 3. Every law enforcement agency in the state shall:

34 (1) Submit crime incident reports to the department of public safety on forms or in the
35 format prescribed by the department; and

36 (2) Submit any other crime incident information which may be required by the department

Action Taken _____ Date _____

1 of public safety.

2 4. Any law enforcement agency that violates this section after December 31, 2021, may be
3 ineligible to receive state or federal funds which would otherwise be paid to such agency for law
4 enforcement, safety or criminal justice purposes.

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

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

16 3. A request made under subsections 1 and 2 of this section shall be limited to check and
17 search on one individual. Each request shall be accompanied by a check, warrant, voucher, money
18 order, or electronic payment payable to the state of Missouri-criminal record system or payment
19 shall be made in a manner approved by the highway patrol. The highway patrol may establish
20 procedures for receiving requests for criminal history record information for classification and
21 search for fingerprints, from courts and other entities, and for the payment of such requests. There
22 is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal
23 Record System Fund". No moneys may be expended from the fund without approval of the director
24 of the department of public safety. A portion of these funds to be determined by the director of the
25 department of public safety shall be made available to local and county law enforcement agencies
26 by way of a grant. Notwithstanding the provisions of section 33.080 to the contrary, if the moneys
27 collected and deposited into this fund are not totally expended annually for the purposes set forth in
28 sections 43.500 to 43.543, the unexpended moneys in such fund shall remain in the fund and the
29 balance shall be kept in the fund to accumulate from year to year.

30 488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their
31 services rendered in criminal cases and in all proceedings for contempt or attachment, as required by
32 law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten
33 dollars for each misdemeanor case, and six dollars for each infraction, including cases disposed of
34 by a violations bureau established pursuant to law or supreme court rule. Such charges shall be
35 charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable
36 to the county treasury; except that, those charges from cases disposed of by a violations bureau shall
37 be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the
38 credit of the MODEX fund established in subsection 6 of this section for the operational cost of the
39 Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited
40 to the credit of the inmate security fund, established in section 488.5026, of the county or municipal
41 political subdivision from which the citation originated. If the county or municipal political
42 subdivision has not established an inmate security fund, all of the funds shall be deposited in the
43 MODEX fund.

44 2. ~~[Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or~~
45 ~~other officers in any county with a charter form of government and with more than nine hundred~~
46 ~~fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their~~
47 ~~services rendered in cases disposed of by a violations bureau established pursuant to law or supreme~~
48 ~~court rule.~~

1 ———3.] The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse
 2 the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading,
 3 writ, summons, order of court or other document served in connection with the case or proceeding
 4 by the sheriff of the other county or city, and return made thereof, to the maximum amount of the
 5 total charge received pursuant to subsection 1 of this section.

6 [4.] 3. The charges provided in subsection 1 of this section shall be taxed as other costs in
 7 criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any
 8 criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall
 9 be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such
 10 charge shall be collected in any proceeding in any court when the proceeding or the defendant has
 11 been dismissed by the court; provided further, that all costs, incident to the issuing and serving of
 12 writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall
 13 in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias
 14 shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses
 15 shall be paid by such witnesses.

16 [5.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
 17 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable
 18 expenses for motor vehicle use expressed as an amount per mile.

19 [6.] 5. (1) There is hereby created in the state treasury the "MODEX Fund", which shall
 20 consist of money collected under subsection 1 of this section. The fund shall be administered by the
 21 peace officers standards and training commission established in section 590.120. The state treasurer
 22 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
 23 may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in
 24 the fund shall be used solely for the operational support and expansion of the MODEX system.

25 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
 26 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

27 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
 28 invested. Any interest and moneys earned on such investments shall be credited to the fund.

29 6. The MODEX fund may accept funds from federal, state, local, and private entities which
 30 utilize the information from the fund to fight fraud and other activities which are in the best interest
 31 of law enforcement or the state of Missouri.

32 7. Any information in MODEX which is open under the provisions of chapter 610 is
 33 considered open and is not Criminal Justice Information Services data. Any information in
 34 MODEX may be shared with any other law enforcement agency, division, or department of the state
 35 of Missouri, or other entity approved by the peace officer standards and training commission, for the
 36 purpose of anti-fraud efforts.

37 513.653. 1. Law enforcement agencies involved in using the federal forfeiture system under
 38 federal law shall file a report regarding federal seizures and the proceeds therefrom. Such report
 39 shall be filed annually by ~~[January thirty-first]~~ February fifteenth for the previous calendar year with
 40 the ~~[department of public safety and the]~~ state auditor's office. The report for the calendar year shall
 41 ~~[include the type and value of items seized and turned over to the federal forfeiture system, the~~
 42 ~~beginning balance as of January first of federal forfeiture funds or assets previously received and~~
 43 ~~not expended or used, the proceeds received from the federal government (the equitable sharing~~
 44 ~~amount), the expenditures resulting from the proceeds received, and the ending balance as of~~
 45 ~~December thirty-first of federal forfeiture funds or assets on hand. The department of public safety~~
 46 ~~shall not issue funds to any law enforcement agency that fails to comply with the provisions of this~~
 47 ~~section]~~ consist of a copy of the federal form entitled "ACA Form - Equitable Sharing Agreement
 48 and Certification" which is identical to the form submitted in that year to the federal government.

1 2. ~~[Intentional]~~ Any law enforcement agency that intentionally or [knowing failure]
2 knowingly fails to comply with the reporting requirement contained in this section shall be ~~[a class~~
3 ~~A misdemeanor, punishable by a fine of up to one thousand dollars]~~ ineligible to receive state or
4 federal funds which would otherwise be paid to such agency for law enforcement, safety, or
5 criminal justice purposes."; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.