

FIRST REGULAR SESSION

HOUSE BILL NO. 226

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MYERS.

0583H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.032, 43.505, 43.509, 43.518, 43.524, and 43.600, RSMo, and to enact in lieu thereof seven new sections relating to the department of the highway patrol, with a contingent effective date.

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

Section A. Sections 43.032, 43.505, 43.509, 43.518, 43.524, and 43.600, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 43.015, 43.032, 43.505, 43.509, 43.518, 43.524, and 43.600, to read as follows:

43.015. On December 3, 2026, the Missouri state highway patrol shall become the "Department of the Highway Patrol". All powers, duties, and functions of the Missouri state highway patrol shall be transferred to the department of the highway patrol. The department of the highway patrol shall be in charge of the superintendent of the Missouri state highway patrol.

43.032. Subject to appropriation, the superintendent of the Missouri state highway patrol shall designate that some or all members of the highway patrol be trained in accordance with a memorandum of understanding between the state of Missouri and the United States Department of Homeland Security concerning the enforcement of federal immigration laws during the course of their normal duties in the state of Missouri, in accordance with 8 U.S.C. Section 1357(g). The superintendent shall have the authority to negotiate the terms of such memorandum. The memorandum shall be signed by the superintendent of the highway patrol ~~and the governor, and the director of the department of public safety~~.

43.505. 1. The department of ~~public safety~~ **the highway patrol** is hereby designated as the central repository for the collection, maintenance, analysis and reporting of

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.

3 crime incident activity generated by law enforcement agencies in this state. The department
4 shall develop and operate a uniform crime reporting system that is compatible with the
5 national uniform crime reporting system operated by the Federal Bureau of Investigation.

6 2. The department of ~~[public safety]~~ **the highway patrol** shall:

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

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

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

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

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

22 (6) Establish such rules and regulations as are necessary for implementing the
23 provisions of this section. Any rule or portion of a rule, as that term is defined in section
24 536.010, that is created under the authority delegated in this section shall become effective
25 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
26 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
27 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date
28 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
29 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
30 and void.

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

32 (1) Submit crime incident reports to the department of ~~[public safety]~~ **the highway**
33 **patrol** on forms or in the format prescribed by the department; and

34 (2) Submit any other crime incident information which may be required by the
35 department of ~~[public safety]~~ **the highway patrol**.

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

43.509. The ~~[director of the department of public safety]~~ **superintendent of the**
2 **highway patrol** shall, in accordance with the provisions of chapter 536, establish such rules
3 and regulations as are necessary to implement the provisions of sections 43.500 to 43.651.
4 All collection and dissemination of criminal history information shall be in compliance with
5 chapter 610 and applicable federal laws or regulations. Such rules shall relate to the
6 collection of criminal history information from or dissemination of such information to
7 criminal justice, noncriminal justice, and private agencies or citizens both in this and other
8 states. No rule or portion of a rule promulgated under the authority of sections 43.500 to
9 43.651 shall become effective unless it has been promulgated pursuant to the provisions of
10 section 536.024.

43.518. 1. There is hereby established within the department of ~~[public safety]~~ **the**
2 **highway patrol** a "Criminal Records and Justice Information Advisory Committee" whose
3 purpose is to:

4 (1) Recommend general policies with respect to the philosophy, concept and
5 operational principles of the Missouri criminal history record information system established
6 by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination
7 and use of criminal history record information maintained by the central repository;

8 (2) Assess the current state of electronic justice information sharing; and

9 (3) Recommend policies and strategies, including standards and technology, for
10 promoting electronic justice information sharing, and coordinating among the necessary
11 agencies and institutions; and

12 (4) Provide guidance regarding the use of any state or federal funds appropriated for
13 promoting electronic justice information sharing.

14 2. The committee shall be composed of the following officials or their designees: the
15 director of the department of public safety; the director of the department of corrections; the
16 attorney general; the director of the Missouri office of prosecution services; the president of
17 the Missouri prosecutors association; the president of the Missouri court clerks association;
18 the chief clerk of the Missouri state supreme court; the state courts administrator; the chair of
19 the state judicial record committee; the chair of the court automation committee; the
20 presidents of the Missouri peace officers association; the Missouri Sheriffs Association; the
21 Missouri Police Chiefs Association or their successor agency; the superintendent of the
22 Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two
23 hundred thousand population; except that, in any county of the first class having a charter
24 form of government, the chief executive of the county may designate another person in place
25 of the police chief of any countywide police force, to serve on the committee; and, at the
26 discretion of the ~~[director of public safety]~~ **superintendent of the highway patrol**, as many
27 as three other representatives of other criminal justice records systems or law enforcement

28 agencies may be appointed by the director of public safety. The ~~[director of the department of~~
29 ~~public safety]~~ **superintendent of the highway patrol** will serve as the permanent chairman
30 of this committee.

31 3. The committee shall meet as determined by the ~~[director]~~ **superintendent** but not
32 less than semiannually to perform its duties. A majority of the appointed members of the
33 committee shall constitute a quorum.

34 4. No member of the committee shall receive any state compensation for the
35 performance of duties associated with membership on this committee.

36 5. Official minutes of all committee meetings will be prepared by the ~~[director]~~
37 **superintendent**, promptly distributed to all committee members, and filed by the ~~[director]~~
38 **superintendent** for a period of at least five years.

43.524. 1. Records required to be filed with the central repository under the
2 provisions of sections 43.500 to 43.530 shall be filed beginning January 1, 1988. The moneys
3 in the fund as set forth in section 43.530 shall be subject to appropriation by the general
4 assembly for the particular purpose for which collected. On January 1, 1987, the central
5 repository as defined in subdivision ~~[(1)]~~ (2) of section 43.500 shall begin to charge the fees
6 set forth in section 43.530.

7 2. An agency required to comply with the provisions of sections 43.500 to 43.530
8 may request a delay for compliance with sections 43.500 to 43.530 on the basis of technical
9 restraints, and shall submit with the request for delayed compliance a description of the
10 restraint and the earliest date possible for resolution of the restraint.

11 3. The ~~[director of the department of public safety]~~ **superintendent of the highway**
12 **patrol** shall submit the request for delayed compliance to the criminal records advisory
13 committee for review and approval within thirty days of receipt and advise the requesting
14 agency of the committee recommendation within sixty days of the receipt of the request.

15 4. All such requests for delayed compliance must be submitted to the director of the
16 department of public safety no later than October 1, 1986, and no delay may be granted which
17 extends the date for compliance past January 1, 1989.

43.600. 1. The department of ~~[public safety, through the highway patrol,]~~ **the**
2 **highway patrol** shall establish and maintain a statewide toll-free emergency telephone
3 service which shall be operated on a twenty-four-hour schedule. The telephone system shall
4 be capable of receiving reports of an individual operating a motor vehicle while in an
5 intoxicated or drugged condition; careless and reckless driving; auto accidents; or criminal
6 activity. This number can also be used to inform the highway patrol that the person operating
7 a vehicle has vehicular problems.

8 2. This service shall receive reports over a single statewide toll-free number. Upon
9 receiving such a report, the highway patrol shall contact the law enforcement agency of the

10 jurisdiction where the reported suspected driver or incident was observed at which time the
11 appropriate law enforcement official or highway patrolman may investigate the reported
12 suspect.

13 3. Any person convicted of filing a false report shall be guilty of a class B
14 misdemeanor and may be fined up to five hundred dollars.

Section B. The repeal and reenactment of sections 43.032, 43.505, 43.509, 43.518,
2 43.524, and 43.600 of section A of this act and the enactment of section 43.015 of section A
3 of this act shall become effective only upon the passage and approval by the voters of a
4 constitutional amendment submitted to them by the general assembly regarding the
5 establishment of the department of the highway patrol.

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