

HCS SS SCS SB 71 -- PUBLIC SAFETY

CRIMINAL BACKGROUND CHECKS (Sections 43.546, 168.014, 190.106, 208.222, 209.324, 210.482, 210.487, 301.551, 324.055, 324.129, 324.246, 324.488, 324.1105, 326.257, 330.025, 331.025, 332.015, 334.015, 334.403, 334.501, 334.701, 334.739, 334.805, 335.022, 335.042, 336.025, 337.018, 337.308, 337.501, 337.605, 337.702, 338.052, 339.015, 339.510, 345.016, 374.711, 436.225, 443.702, 476.802, 484.125, 590.060, and 640.011)

This bill modifies provisions related to criminal background checks.

The bill specifies that, if an application for a license or permit requires a fingerprint submission, the applicant must submit his or her fingerprint to the State Highway Patrol (MSHP) for the purpose of undergoing a State and Federal criminal background check. The following boards, commissions, departments, divisions, and committees are listed in the bill:

- (1) The State Board of Education, for applicants seeking certificates to teach or substitute teach in public schools and as otherwise required by law;
- (2) The Department of Health and Senior Services, for applicants seeking licensure as an emergency medical technician, an advanced emergency medical technician, or a paramedic, or seeking certification as an emergency medical technician-community paramedic;
- (3) The Medicaid Audit and Compliance Unit of the Department of Social Services, for a provider seeking to be enrolled as a MO HealthNet provider for the purpose of providing MO HealthNet services;
- (4) The State Committee of Interpreters, for applicants seeking licensure as an interpreter or seeking temporary license to practice as an interpreter;
- (5) The Department of Revenue, for applicants seeking licensure as a new motor vehicle franchise dealer, used motor vehicle dealer, powersport dealer, wholesale motor vehicle dealer, motor vehicle dealer, public motor vehicle auction, recreational motor vehicle dealer, trailer dealer, boat dealer, manufacturer, or boat manufacturer;
- (6) The Missouri Board of Occupational Therapy, for applicants seeking licensure as an occupational therapist or occupational therapy assistant;

(7) The State Board of Registration for the Healing Arts, for applicants seeking licensure as a clinical perfusionist or provisional licensed clinical perfusionist, and for applicants seeking a permanent, temporary, or limited license as a physician or assistant physician, and applicants seeking licensure as an anesthesiologist assistant or a temporary license to practice as an anesthesiologist assistant, and for applicants seeking permanent or temporary license as a physical therapist or physical therapist assistant, and applicants seeking licensure as an athletic trainer, and for applicants seeking a license or temporary license as a physician assistant, and applicants seeking a license or provisional license as an audiologist, an audiology aide, a speech-language pathologist, a speech-language pathology aide, or a speech-language pathology assistant;

(8) The Board of Therapeutic Massage, for applicants seeking a license, provisional license, or student license as a massage therapist and a license as a massage business;

(9) The State Board of Chiropractic Examiners, for applicants seeking licensure as an acupuncturist or to practice chiropractic;

(10) The Board of Private Investigator and Private Fire Investigator Examiners, for applicants seeking licensure as a private investigator or private fire investigator;

(11) The State Board of Accountancy, for applicants seeking licensure as a certified public accountant or seeking permit for a certified public accounting firm;

(12) The State Board of Podiatric Medicine, for applicants seeking a permanent or temporary license to practice podiatric medicine or seeking a permanent podiatric medicine license with ankle certification;

(13) The Missouri Dental Board, for applicants seeking licensure as a dentist, a dental specialist, a volunteer dentist, a temporary dentist, a dental hygienist, or a volunteer dental hygienist, or for applicants seeking a limited dental teaching license or a dental faculty permit;

(14) The Board for Respiratory Care, for applicants seeking licensure as a respiratory care practitioner, and applicants seeking an educational or temporary permit to practice respiratory care;

(15) The State Board of Nursing, for applicants seeking licensure to practice as a registered nurse, practical nurse, or advanced

practice registered nurse, and for those seeking employment with the Board;

(16) The State Board of Optometry, for applicants seeking licensure as an optometrist;

(17) The State Committee of Psychologists, for applicants seeking licensure as a licensed psychologist or provisional licensed psychologist, or seeking a temporary license to practice as a psychologist,

(18) The Behavior Analyst Advisory Board, for applicants seeking licensure, provisional licensure, or temporary licensure as a behavior analyst or assistant behavior analyst;

(19) The Committee for Professional Counselors, for applicants seeking licensure as a licensed or provisional licensed professional counselor;

(20) The State Committee for Social Workers, for applicants seeking a license or temporary permit to practice as a licensed clinical social worker, licensed advanced macro social worker, master social worker, or licensed baccalaureate social worker;

(21) The State Committee of Marital and Family Therapists, for applicants seeking licensure or provisional licensure as a marital and family therapist;

(22) The Board of Pharmacy, for applicants seeking licensure to practice as a pharmacist or temporary pharmacist, an intern pharmacist, a wholesale drug distributor, third-party logistics provider, drug outsourcer, seeking a permit for the practice of pharmacy described in Section 338.220, RSMo, seeking a certificate of registration as a pharmacy technician, or seeking a permit for work as a wholesale drug distributor facility manager-in-charge, wholesale drug distributor facility manager or owner, or third-party logistics provider facility manager or owner;

(23) The Missouri Real Estate Commission, for applicants seeking licensure as a real estate broker, real estate salesperson, or real estate broker-salesperson;

(24) The Missouri Real Estate Appraisers Commission, for applicants seeking licensure or certification as a state-certified residential real estate appraiser, residential appraiser trainee, general real estate appraiser, or general appraiser trainee, or a state-licensed real estate appraiser or appraiser trainee, or an appraisal management company or a controlling person of an appraisal management company;

- (25) The Department of Commerce and Insurance, for applicants seeking a license, or renewal of license, as a general bail bond agent, a bail bond agent, or a surety recovery agent;
- (26) The Division of Professional Registration, for applicants seeking licensure as an athlete agent;
- (27) The Division of Finance, for applicants seeking licensure as a residential mortgage loan broker or mortgage loan originator;
- (28) The Office of State Courts Administrator, for applicants seeking a certification as a qualified interpreter;
- (29) The Supreme Court of Missouri, for applicants seeking admission or reinstatement to the State bar;
- (30) The Peace Officer Standards and Training Commission, for applicants seeking entrance into a training program; and
- (31) The Department of Natural Resources, for applicants seeking to be employed or to volunteer with the Department.

The fingerprints and any required fees will be sent to the MSHP central repository and will be forwarded to the Federal Bureau of Investigation. The MSHP will notify the respective agency, board, or other oversight body of their applicants' criminal history or lack thereof.

Currently, if a child needs to be placed in a private home due to the unexpected absence of their parents or guardians, the juvenile court or children's division can request a background check. Law enforcement agencies conduct name-based criminal history checks on all residents over 17 years of age in the home. The bill changes the age to over 18 years of age.

Currently, if a child needs to be placed in a private home due to the unexpected absence of their parents or guardians, the children's division checks if any residents are listed on the child abuse and neglect registry. If the home hasn't been approved as a foster home, residents over 17 years of age and any children less than 17 years of age who have been certified as adults for crimes must provide fingerprints within 15 days. If anyone refuses to provide fingerprints, the child must be removed from the home immediately unless the person refusing to provide fingerprints ceases to reside in the private home. The bill changes those ages to over 18 years of age and any children less than 18 years of age who have been certified as adults for crimes.

PUBLIC RETIREMENT SYSTEMS (Sections 70.630, 70.655, 70.680, 70.690, 70.745, 70.746, 70.747, 70.748, 86.200, 87.140, 87.145, 87.260, and 105.688)

This bill repeals the provision prohibiting membership in LAGERS for employees where continuous employment to the time of retirement eligibility will leave the employee with less than the minimum required number of years of credited service.

Currently, the measurement for the cost of living adjustment for LAGERS is measured with the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers. This bill repeals that provision and provides that the cost of living adjustment for LAGERS must be a measure of the CPI as determined by the U.S. Department of Labor and adopted by the Board of LAGERS.

The bill also repeals certain references to obsolete statutory provisions.

Currently, in the event a member's membership terminates, any accumulated contributions unclaimed by the member within three years must be transferred to the investment income fund of the system. This bill changes the amount of years from three years to 10 years.

The bill provides that the Board of LAGERS can deliberate or make decisions on investments or other financial matters in a closed meeting if the disclosure of such deliberations would jeopardize the ability to implement a decision or to achieve investment objectives. Furthermore, this bill repeals the provisions that the investment counselor of the Board must be registered as an investment advisor with the U.S. Securities and Exchange Commission. The bill also repeals the limitation that no more than one-tenth of the funds of the system be invested in real estate.

This bill provides that the Board can establish and maintain local government employee retirement systems of Missouri investment fund account in which investments of LAGERS can be placed and be available for investment purposes. The funds can be combined with funds of any retirement plan administered by LAGERS and any retirement plan established for providing benefits to employees of LAGERS, but such funds will be accounted for separately.

This bill modifies the definition of "earnable compensation", as used by the Police Retirement System of St. Louis, by providing that the term will not include any funds received through a judgment or settlement of a legal action or claim made or threatened by a member against the City of St. Louis if such funds are intended to retroactively compensate the member for the salary

differential between the member's actual rank and the rank the member claims he or she should have received.

The bill specifies that the Board of Trustees of the Firefighter's Retirement System of St. Louis will not be prevented from simultaneously acting as the trustees of any other pension plan that provides retirement, disability, and death benefits for firefighters employed by St. Louis City.

This bill specified that the Board can establish rules and regulations for the administration of the funds and for the transaction of such other pension plan's business. The Board must maintain separate records of all proceedings of the other pension plan.

Furthermore, this bill specifies that the Board of Trustees will have the authority and discretion to invest and reinvest funds of the other pension plans in property of any kind, real or personal. The Board can choose to invest the funds of the Firefighter's Retirement System of St. Louis and the funds of the other pension plans in the same investments if the amounts invested and the gains, profits, or losses are accounted for separately .

This bill prohibits fiduciaries for public employee retirement systems from being prohibited from closing records related to information in connection with investments in or financial transactions with business entities.

#### PUBLIC SAFETY RECRUITMENT AND RETENTION (Sections 173.2655 and 173.2660)

This bill establishes the "Public Safety Recruitment and Retention Act" to provide college tuition awards for certain public safety personnel and their legal dependents. The bill defines "public safety personnel" as including any police officer, firefighter, paramedic, telecommunicator first responder, emergency medical technician, or advanced emergency medical technician who is trained and authorized by law or rule to render emergency medical assistance or treatment. Subject to appropriation, public safety personnel with at least six years of service will be entitled to an award worth up to 100% of the resident tuition charges, including fees, of a public institution of higher education located in Missouri if they present to the Department of Higher Education and Workforce Development (DHEWD) verification of their current, valid license in a profession specified in the bill, along with a certificate of verification signed by their employer verifying that they are employed full-time as public safety personnel. Such individuals must also meet all admission requirements of the public institution of higher education and pursue an associate or

baccalaureate degree in an academic subject specified in the bill. Individuals who have already earned a baccalaureate degree are ineligible to use the tuition award to earn another degree. Each year an individual applies for and receives a tuition award, he or she must file with DHEWD documentation showing proof of employment and proof of residence in Missouri. Additionally, an applicant for a tuition award must first apply for all other forms of Federal and State student financial aid, including filing a Free Application for Federal Student Aid (FAFSA) and, if applicable, applying for financial assistance under the G.I. Bill.

The legal dependent of public safety personnel with at least 10 years of service is also eligible for a tuition award if he or she executes an agreement with the public institution of higher education outlining the terms and conditions of the tuition award, including the legal dependent's commitment to reside in Missouri for the next five years, as well as a commitment to provide a copy of his or her State income tax return annually to DHEWD in order to prove residency in Missouri. The agreement must also include a provision that if the tuition award recipient fails to provide proof of residency in Missouri for the five-year period following the use of the tuition award, the tuition award must be treated as a loan to the recipient, with the Missouri Higher Education Loan Authority as the loan servicer, as provided in the bill. Finally, the agreement must provide that any residency, filing, or payment obligation incurred by the tuition award recipient under the bill is canceled in the event of the tuition award recipient's total and permanent disability or death.

The five-year residency requirement for a legal dependent who receives a tuition award begins once the legal dependent applies for and receives the tuition award and continues until the tuition award recipient:

- (1) Completes the five-year tuition award eligibility period;
- (2) Completes a baccalaureate degree;
- (3) Completes an associate degree and notifies DHEWD that he or she does not intend to pursue a baccalaureate degree or additional associate degree using tuition awards; or
- (4) Notifies DHEWD that he or she does not plan to use additional tuition awards.

The legal dependent must satisfy certain criteria to be eligible for a tuition award. The legal dependent must not have previously earned a baccalaureate degree, and he or she must meet all admission requirements of the public institution of higher

education he or she wishes to attend. The legal dependent will also file a FAFSA and, if applicable, apply for financial assistance under the G.I. Bill, as well as providing verification of the public safety personnel's eligibility for the tuition award to DHEWD, as provided in the bill.

Public safety personnel and their legal dependents can receive a tuition award for up to five consecutive years if they otherwise continue to be eligible. The five years of eligibility starts once the individual applies for and receives the tuition award for the first time. DHEWD must grant an award worth up to 100% of the individual's tuition remaining due after subtracting awarded Federal financial aid grants and State scholarships and grants. An application for a tuition award must include a verification of the public safety personnel's satisfaction of the requirements of the act, including proof of full-time employment and residency status. Public safety personnel must include the verification when they or their legal dependents are applying to DHEWD for a tuition award.

The death of public safety personnel in the line of duty will not disqualify an individual's otherwise eligible legal dependent from receiving the tuition award. In such a case, in lieu of submitting verification of the public safety personnel's employment, the legal dependent must submit a statement attesting that, at the time of death, the public safety personnel satisfied the requirements of the act, and the individual died in the line of duty, as specified in the bill.

DHEWD will provide a tuition award to an eligible applicant for the award who applies for an "open seat", defined in the bill as a vacant position in a class, course, or program that is available for enrollment. DHEWD will not provide a tuition award if doing so would require a public institution of higher education to create additional seats exceeding program capacity.

Applications for tuition awards must be submitted to DHEWD no later than December 15th, annually. No later than March 1st annually, DHEWD will send written notice of the applicant's eligibility or ineligibility for the tuition award and state whether the application has been approved or denied. If the applicant is determined not to be eligible for the tuition award, the notice must include the reason or reasons for the determination. If the application is denied, the notice must include the reason or reasons for the denial.

The "Public Safety Recruitment and Retention Fund" is created for purposes of granting tuition awards as provided in the bill. In the event that funds are insufficient to provide tuition awards for all eligible applicants, public safety personnel will be in the



first class of applicants to receive the awards, and dependents will be in the second class, in a priority order specified in the bill.

The tuition awards provided for in this bill are subject to appropriation. If there are no moneys in the Fund, no tuition awards will be granted.

#### PATIENT MEDICAL RECORDS (Section 191.227)

Under this bill, records containing a patient's health history and treatment created by an emergency care provider or telecommunicator first responder, in the course of their official duties while responding to a formal request for assistance, must be made available to the patient or patient's representative upon written request. Such personal health information will not be considered a public record under the Sunshine Law.

#### LINE OF DUTY COMPENSATION ACT (Section 287.243)

Currently, the line of duty compensation act is set to expire on June 19, 2025. This bill changes the expiration date to December 31, 2031.

This provision is subject to an emergency clause.

#### MISSOURI EMERGENCY RESPONSE COMMISSION (Section 292.606)

This bill extends the authority for the collection of certain fees by the Missouri Emergency Response Commission for six years. The bill also authorizes a one-time fee to be assessed, which must be calculated based on filings due March 1, 2025, and must be paid by November 1, 2025.

#### CRIMINAL OFFENSES (Sections 569.170 and 569.175)

The bill also adds to the offense of burglary in the second degree when a person unlawfully enters a motor vehicle or any part of a motor vehicle or enters into a restricted area of commercial business with the intent to commit a theft or any felony. The bill defines "enters" as a person intruding with any part of the body or any physical object connected with the body. If a person who commits a violation under this provision was in possession of a firearm at the time or stole a firearm from the motor vehicle during the violation, he or she is guilty of a class C felony.

The bill also creates the offense of unlawfully gaining entry into a motor vehicle, which a person commits if he or she lifts the door handles or otherwise tries the doors and locks of successive

vehicles in an attempt to gain entry. A violation of this section is a class E felony. A person does not commit the offense of unlawfully gaining entry into a motor vehicle if the person is the owner of the vehicle or has the owner's permission to enter the vehicle.

#### MISSOURI TASK FORCE ON NONPROFIT SAFETY AND SECURITY (Sections 650.900 and 650.910)

This bill creates the "Missouri Task Force on Nonprofit Safety and Security" within the Department of Public Safety, Office of Homeland Security. The Task Force will study and make recommendations on the security needs of nonprofit organizations that are at elevated risk of terrorist attacks in Missouri. Members of the task force must be appointed by the Director of the Department of Public Safety, as described in the bill. The Task Force must annually issue a report to the Office of Homeland Security of its findings and recommendations with respect to terrorist attacks in Missouri.

The bill creates the "Supplemental Nonprofit Safety and Security Fund". The Fund will be used to defray the costs of security enhancements or measures, as described in the bill, for eligible nonprofit organizations. A nonprofit organization that has been approved for funding by the Federal grant of up to five percent of the available grant pool distribution.