

FIRST REGULAR SESSION

SENATE BILL NO. 414

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time February 13, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1891S.011

AN ACT

To repeal sections 43.505, 43.530, and 513.653, RSMo, and to enact in lieu thereof three new sections relating to the administration of public safety, with existing penalty provisions.

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

Section A. Sections 43.505, 43.530, and 513.653, RSMo, are repealed and
2 three new sections enacted in lieu thereof, to be known as sections 43.505, 43.530,
3 and 513.653, to read as follows:

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

7 2. The department of public safety shall:

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

25 (6) Establish such rules and regulations as are necessary for
26 implementing the provisions of this section. Any rule or portion of a rule, as that
27 term is defined in section 536.010, that is created under the authority delegated
28 in this section shall become effective only if it complies with and is subject to all
29 of the provisions of chapter 536 and, if applicable, section 536.028. This section
30 and chapter 536 are nonseverable and if any of the powers vested with the
31 general assembly pursuant to chapter 536 to review, to delay the effective date
32 or to disapprove and annul a rule are subsequently held unconstitutional, then
33 the grant of rulemaking authority and any rule proposed or adopted after August
34 28, 2000, shall be invalid and void.

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

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

38 (2) Submit any other crime incident information which may be required
39 by the department of public safety.

40 [4. Any law enforcement agency that violates this section may be
41 ineligible to receive state or federal funds which would otherwise be paid to such
42 agency for law enforcement, safety or criminal justice purposes.]

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

8 2. For each request requiring the payment of a fee received by the central
9 repository, the requesting entity shall pay a fee of not more than twenty dollars
10 per request for criminal history record information based on a fingerprint search,
11 unless the request is required under the provisions of subdivision (6) of section

12 210.481, section 210.487, or section 571.101, in which case the fee shall be
13 fourteen dollars.

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

513.653. 1. Law enforcement agencies involved in using the federal
2 forfeiture system under federal law shall file a report regarding federal seizures
3 and the proceeds therefrom. Such report shall be filed annually by [January
4 thirty-first] **February fifteenth** for the previous calendar year with the
5 [department of public safety and the] state auditor's office. The report for the
6 calendar year shall [include the type and value of items seized and turned over
7 to the federal forfeiture system, the beginning balance as of January first of
8 federal forfeiture funds or assets previously received and not expended or used,
9 the proceeds received from the federal government (the equitable sharing
10 amount), the expenditures resulting from the proceeds received, and the ending
11 balance as of December thirty-first of federal forfeiture funds or assets on
12 hand. The department of public safety shall not issue funds to any law
13 enforcement agency that fails to comply with the provisions of this section]
14 **consist of a copy of the federal form entitled "ACA Form - Equitable**
15 **Sharing Agreement and Certification" which is identical to the form**
16 **submitted in that year to the federal government.**

17 2. Intentional or knowing failure to comply with the reporting
18 requirement contained in this section shall be a class A misdemeanor, punishable
19 by a fine of up to one thousand dollars.

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Unofficial

Bill

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