

FIRST REGULAR SESSION

HOUSE BILL NO. 1215

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

2433H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 43.503, RSMo, and to enact in lieu thereof two new sections relating to firearms.

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

Section A. Section 43.503, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 43.503 and 43.665, to read as follows:

43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.651.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the highway patrol or electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, photograph, and if available, any other unique biometric identification collected,

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.

18 charges, appropriate charge codes, and descriptions to the central repository upon its behalf. **All**
19 **such agencies shall also notify the central repository of any firearm reported stolen and the**
20 **serial number of the firearm.**

21 3. In instances where an individual less than seventeen years of age and not currently
22 certified as an adult is taken into custody for an offense which would be a felony if committed
23 by an adult, the arresting officer shall take fingerprints for the central repository. These
24 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol
25 or transmitted electronically in a format and manner approved by the highway patrol and in
26 compliance with the standards set by the Federal Bureau of Investigation in its Automated
27 Fingerprint Identification System or its successor program. The fingerprint cards shall be so
28 constructed that the name of the juvenile should not be made available to the central repository.
29 The individual's name and the unique number associated with the fingerprints and other pertinent
30 information shall be provided to the court of jurisdiction by the agency taking the juvenile into
31 custody. The juvenile's fingerprints and other information shall be forwarded to the central
32 repository and the courts without undue delay. The fingerprint information from the card shall
33 be captured and stored in the automated fingerprint identification system operated by the central
34 repository. In the event the fingerprints are found to match other tenprints or unsolved latent
35 prints, the central repository shall notify the submitting agency who shall notify the court of
36 jurisdiction as per local agreement. Under section 211.031, in instances where a juvenile over
37 fifteen and one-half years of age is alleged to have violated a state or municipal traffic ordinance
38 or regulation, which does not constitute a felony, and the juvenile court does not have
39 jurisdiction, the juvenile shall not be fingerprinted unless certified as an adult.

40 4. Upon certification of the individual as an adult, the certifying court shall order a law
41 enforcement agency to immediately fingerprint and photograph the individual and certification
42 papers will be forwarded to the appropriate law enforcement agency with the order for
43 fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and
44 certification papers to the central repository within fifteen days and shall furnish the offense
45 cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney
46 of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If
47 the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting
48 attorney shall notify within fifteen days the central repository of the change of status of the
49 juvenile. Records of a child who has been fingerprinted and photographed after being taken into
50 custody shall be closed records as provided under section 610.100 if a petition has not been filed
51 within thirty days of the date that the child was taken into custody; and if a petition for the child
52 has not been filed within one year of the date the child was taken into custody, any records

53 relating to the child concerning the alleged offense may be expunged under the procedures in
54 sections 610.122 to 610.126.

55 5. The prosecuting attorney of each county or the circuit attorney of a city not within a
56 county or the municipal prosecuting attorney shall notify the central repository on standard forms
57 supplied by the highway patrol or in a manner approved by the highway patrol of his or her
58 decision to not file a criminal charge on any charge referred to such prosecuting attorney or
59 circuit attorney for criminal charges. All records forwarded to the central repository and the
60 courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include
61 the state offense cycle number of the offense, the charge code for the offense, and the originating
62 agency identifier number of the reporting prosecutor, using such numbers as assigned by the
63 highway patrol.

64 6. The clerk of the courts of each county or city not within a county or municipal court
65 clerk shall furnish the central repository, on standard forms supplied by the highway patrol or
66 in a manner approved by the highway patrol, with a record of all charges filed, including all those
67 added subsequent to the filing of a criminal court case, amended charges, and all final
68 dispositions of cases for which the central repository has a record of an arrest or a record of
69 fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for
70 each charge:

71 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
72 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation,
73 if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

74 (2) Court orders filed with the clerk of the courts which reverse a reported conviction
75 or vacate or modify a sentence;

76 (3) Judgments terminating or revoking a sentence to probation, supervision or
77 conditional release and any resentencing after such revocation; and

78 (4) The offense cycle number of the offense, and the originating agency identifier
79 number of the sentencing court, using such numbers as assigned by the highway patrol.

80 7. The clerk of the courts of each county or city not within a county shall furnish, to the
81 department of corrections or department of mental health, court judgment and sentence
82 documents and the state offense cycle number and the charge code of the offense which resulted
83 in the commitment or assignment of an offender to the jurisdiction of the department of
84 corrections or the department of mental health if the person is committed pursuant to chapter
85 552. This information shall be reported to the department of corrections or the department of
86 mental health at the time of commitment or assignment. If the offender was already in the
87 custody of the department of corrections or the department of mental health at the time of such
88 subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the

89 appropriate department by certified mail, return receipt requested, or in a manner and format
90 mutually agreed to, within fifteen days of such disposition.

91 8. Information and fingerprints, photograph and if available, any other unique biometric
92 identification collected, forwarded to the central repository, normally obtained from a person at
93 the time of the arrest, may be obtained at any time the subject is in the criminal justice system
94 or committed to the department of mental health. A law enforcement agency or the department
95 of corrections may fingerprint, photograph, and capture any other unique biometric identification
96 of the person unless collecting other unique biometric identification of the person is not
97 financially feasible for the law enforcement agency, and obtain the necessary information at any
98 time the subject is in custody. If at the time of any court appearance, the defendant has not been
99 fingerprinted and photographed for an offense in which a fingerprint and photograph is required
100 by statute to be collected, maintained, or disseminated by the central repository, the court shall
101 order a law enforcement agency or court marshal to fingerprint and photograph immediately the
102 defendant. The order for fingerprints shall contain the offense, charge code, date of offense, and
103 any other information necessary to complete the fingerprint card. The law enforcement agency
104 or court marshal shall submit such fingerprints, photograph, and if available, any other unique
105 biometric identification collected, to the central repository without undue delay and within thirty
106 days and shall furnish the offense cycle number associated with the fingerprints to the
107 prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of
108 the court ordering the subject fingerprinted.

109 9. The department of corrections and the department of mental health shall furnish the
110 central repository with all information concerning the receipt, escape, execution, death, release,
111 pardon, parole, commutation of sentence, granting of executive clemency, legal name change,
112 or discharge of an individual who has been sentenced to that department's custody for any
113 offenses which are mandated by law to be collected, maintained or disseminated by the central
114 repository. All records forwarded to the central repository by the department as required by
115 sections 43.500 to 43.651 shall include the offense cycle number of the offense, and the
116 originating agency identifier number of the department using such numbers as assigned by the
117 highway patrol.

**43.665. The highway patrol shall, subject to appropriation, maintain a web page
2 on the internet that shall be open to the public and shall include a stolen firearm search
3 capability. The stolen firearm search shall make it possible for any person using the
4 internet to search for the serial number of a firearm and determine whether the firearm
5 has been reported stolen. The highway patrol shall not be required to provide any other
6 information regarding a stolen firearm.**

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