

FIRST REGULAR SESSION

SENATE BILL NO. 531

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GIBBONS.

Read 1st time February 19, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1524S.031

AN ACT

To repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.160, 43.210, 43.220, and 43.530, RSMo, and to enact in lieu thereof twelve new sections relating to the administrative duties of the Missouri state highway patrol.

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

Section A. Sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.160, 43.210, 43.220, and 43.530, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.160, 43.210, 43.220, 43.530, 43.546, and 43.547, to read as follows:

43.010. As used in this chapter, the following terms shall have the meanings indicated:

(1) ["Commission", the Missouri state highways and transportation commission;

(2) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol;

[(3)] (2) "MULES", Missouri uniform law enforcement system, a statewide-computerized communications system provided by the patrol designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the state of Missouri;

[(4)] (3) "Patrol", the Missouri state highway patrol;

[(5)] (4) "Peace officers", sheriffs, police officers and other peace officers of this state;

[(6)] (5) "Radio personnel", those employees of the patrol engaged in the construction, operation, and maintenance of the patrol radio system.

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

43.030. 1. The superintendent of the Missouri state highway patrol shall
2 be appointed by the governor by and with the advice and consent of the
3 senate. The superintendent shall hold office at the pleasure of the governor. The
4 superintendent shall be a citizen of the United States and a resident taxpaying
5 citizen of this state for a period of three years previous to being appointed as
6 superintendent and shall be at least thirty years of age. The superintendent
7 shall maintain an office [and reside] in Jefferson City.

8 2. The superintendent of the Missouri state highway patrol shall:

9 (1) Have command of the patrol and perform all duties imposed on the
10 superintendent and exercise all of the powers and authority conferred upon the
11 superintendent by the provisions of this chapter and the requirements of chapter
12 650, RSMo;

13 (2) Within available appropriations, establish an equitable pay plan for
14 the members of the highway patrol and radio personnel taking into consideration
15 ranks and length of service.

43.090. [The board of public buildings shall provide suitable offices for
2 general headquarters at Jefferson City, Missouri, which shall at all times be open
3 and in charge of the superintendent, or some member of the patrol designated by
4 him.] The superintendent[, with the consent and approval of the commission,]
5 shall employ such clerical force, radio operators, and other subordinates, and
6 shall provide such office equipment, stationery, postage supplies, [telegraph]
7 **communication** and telephone facilities as he **or she** shall deem necessary **for**
8 **general headquarters located at Jefferson City, Missouri**, and shall also
9 provide offices, equipment, stationery, postage, clerical force, and other
10 subordinates for the headquarters of each [district] **troop or division** of the
11 patrol. The state highway patrol [radio network] **communications division**
12 shall be under the control of and at the service of the superintendent for such
13 regular and emergency [bulletins] **communications**, and service as the
14 superintendent may require [from time to time].

43.110. The necessary expenses of the members of the patrol in the
2 performance of their duties shall be paid by the state when such members are
3 away from their places of residence or from the [district] **troop or division** to
4 which they are assigned, subject to the approval of the [commission]
5 **superintendent**. No fee shall be allowed to any person or officer for the arrest
6 and transportation of persons arrested and transported by members of the patrol,
7 and no witness fees shall be granted or allowed members of the patrol in criminal

8 cases. Witness fees for members of the patrol in civil cases, and for testifying in
9 federal court, shall be the same as provided by law, and shall be claimed and
10 collected by members of the patrol, and promptly transmitted to the [division of
11 collection in the department of revenue] **fund from which the member or**
12 **employee's position is funded.**

43.120. 1. The superintendent shall prescribe rules for instruction and
2 discipline and make all administrative rules and regulations and fix the hours of
3 duty for the members of the patrol. The superintendent shall divide the state
4 into [districts] **troops** and assign members of the patrol to such [districts]
5 **troops** in the manner as deemed proper to carry out the purposes of this
6 chapter. The superintendent may call members of the patrol from one [district]
7 **troop** to another.

8 2. The superintendent shall appoint the lieutenant colonel and five majors
9 from within the membership. Such individuals shall serve at the
10 superintendent's pleasure and shall return to their previously held rank after
11 being relieved of their position duties by the present or incoming
12 superintendent. The superintendent shall classify and rank through promotions
13 the majors, the director of radio, captains, lieutenants, sergeants, corporals,
14 patrolmen, and radio personnel from the next lower grade after not less than one
15 year of service satisfactorily performed therein.

16 3. In case of the absence of the superintendent, or at the time the
17 superintendent designates, the lieutenant colonel shall assume the duties of the
18 superintendent. In the absence of both the superintendent and the lieutenant
19 colonel, a major shall be designated by the superintendent or by the lieutenant
20 colonel. In case of the disability of the superintendent and the lieutenant colonel,
21 the governor may designate a major as acting superintendent and when so
22 designated, the acting superintendent shall have all the powers and duties of the
23 superintendent.

24 4. The superintendent shall collect, compile and keep available for the use
25 of peace officers of the state the information as is deemed necessary for the
26 detection of crime and identification of criminals. **The superintendent shall**
27 **have the authority to direct members and other employees of the patrol**
28 **to carry out any public safety duty or service authorized or**
29 **appropriated by the general assembly.**

30 5. The superintendent is responsible for establishing policy, procedures,
31 and regulations in cooperation with the law enforcement and criminal justice

32 community in protecting the integrity of the MULES system. The superintendent
33 shall be responsible for the administration and enforcement of all MULES policies
34 and regulations consistent with state and federal rules, policy, and law by which
35 the MULES system operates.

36 [6. Within ninety days after the close of each fiscal year, the
37 superintendent shall make to the governor and the commission a report of the
38 activities of the patrol and the cost thereof for the fiscal period.]

43.140. [1.] The members of the patrol, before entering upon the
2 discharge of their duties, shall each take and subscribe an oath to support the
3 constitution and laws of the United States and the state of Missouri and to
4 faithfully demean themselves in office in the form prescribed by section 11, article
5 VII, of the constitution of this state and they shall each faithfully perform the
6 duties of their respective offices and safely keep and account for all moneys and
7 property received by them.

8 [2. The superintendent, major, director of radio, each member assigned
9 to duty in the department of finance and statistics and each member assigned to
10 duty in the department of supplies and equipment shall give bond to be approved
11 by the commission. The bond of the superintendent shall be twenty thousand
12 dollars, and for each other member required to be bonded, ten thousand
13 dollars. The cost of furnishing all such bonds shall be paid by the state.]

43.160. It shall be the duty of the patrol to police the highways
2 constructed and maintained by the [commission] **state**; to regulate the movement
3 of traffic thereon; to enforce thereon the laws of this state relating to the
4 operation and use of vehicles on the highways; to enforce and prevent thereon the
5 violation of the laws relating to the size, weight and speed of commercial motor
6 vehicles and all laws designed to protect and safeguard the highways constructed
7 and maintained by the [commission] **state**. It shall be the duty of the patrol
8 whenever possible to determine persons causing or responsible for the breaking,
9 damaging or destruction of any improved hard surfaced roadway, structure, sign
10 markers, guard rail, or any other appurtenance constructed or maintained by the
11 [commission] **state** and to arrest persons criminally responsible therefor and to
12 bring them before the proper officials for prosecution. It shall be the duty of the
13 patrol to cooperate with such state official as may be designated by law in the
14 collection of all state revenue derived from highway users as an incident to their
15 use or right to use the highways of the state, including all license fees and taxes
16 upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to,

17 or on the privilege of the manufacture, receipt, storage, distribution, sale or use
18 thereof (except the sales tax on motor vehicles and trailers, and all property
19 taxes).

43.210. Any person arrested by a member of the patrol shall forthwith be
2 taken by such member before the court or associate circuit judge **or his or her**
3 **designee** having jurisdiction of the crime whereof such person so arrested is
4 charged there to be dealt with according to law.

43.220. Neither the governor[, the commission,] nor the superintendent
2 shall have any power, right or authority to command, order or direct any member
3 of the patrol to perform any duty or service not authorized by [this chapter]
4 **statute**.

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 [five]
3 **nine** dollars per request for criminal history record information not based on a
4 fingerprint search [when the requesting entity is required to obtain such
5 information by any provision of state or federal law and pay a fee of not more
6 than fourteen dollars per request for criminal history record information based
7 on a fingerprint search when the requesting entity is required to obtain such
8 information by any provision of state or federal law; provided that, when the
9 requesting entity is not required to obtain such information by law, the
10 requesting entity shall pay a fee of not more than ten dollars per request for
11 criminal history record information not based on a fingerprint search and]. **In**
12 **each year beginning on or after January 1, 2010, the superintendent**
13 **may increase the fee paid by requesting entities by an amount not to**
14 **exceed one dollar per year, however, under no circumstance shall the**
15 **fee paid by requesting entities exceed fifteen dollars per request.**

2. For each request requiring the payment of a fee received by
17 **the central repository, the requesting entity shall** pay a fee of not more
18 than twenty dollars per request for criminal history record information based on
19 a fingerprint search[. Each such], **unless the request is required under the**
20 **provisions of section 571.101, RSMo, in which case, the fee shall be**
21 **fourteen dollars.**

3. A request **made under subsections 1 and 2 of this section** shall
23 be limited to check and search on one individual. Each request shall be
24 accompanied by a check, warrant, voucher, money order, or electronic payment
25 payable to the state of Missouri-criminal record system or payment shall be made

26 in a manner approved by the highway patrol. The highway patrol may establish
27 procedures for receiving requests for criminal history record information for
28 classification and search for fingerprints, from courts and other entities, and for
29 the payment of such requests. There is hereby established by the treasurer of the
30 state of Missouri a fund to be entitled as the "Criminal Record System
31 Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary,
32 if the moneys collected and deposited into this fund are not totally expended
33 annually for the purposes set forth in sections 43.500 to 43.543, the unexpended
34 moneys in such fund shall remain in the fund and the balance shall be kept in
35 the fund to accumulate from year to year.

**43.546. 1. Any state agency may require the fingerprinting of
2 applicants in specified occupations for the purpose of positive
3 identification and receiving criminal history record information when
4 determining an applicant's ability or fitness to serve in such
5 occupation.**

**6 2. In order to facilitate the criminal background check under
7 subsection 1 of this section on any person employed by a state agency,
8 and in accordance with section 43.543, the applicant or employee shall
9 submit a set of fingerprints collected under the standards determined
10 by the Missouri highway patrol. The fingerprints and accompanying
11 fees, unless alternately arranged, shall be forwarded to the highway
12 patrol to be used to search the state criminal history repository and the
13 fingerprints shall be forwarded to the Federal Bureau of Investigations
14 for a national criminal background check. Notwithstanding the
15 provisions of section 610.120, RSMo, all records related to any criminal
16 history information discovered shall be accessible and available to the
17 state agency making the request.**

**43.547. 1. The Missouri state highway patrol, at the direction of
2 the governor, shall conduct name or fingerprint background
3 investigations of gubernatorial appointees. The governor's directive
4 shall state whether the background investigation shall be a name
5 background investigation or a fingerprint background investigation. In
6 addition, the patrol may, at the governor's direction, conduct other
7 appropriate investigations to determine if an applicant or appointee is
8 in compliance with section 105.262, RSMo, and other necessary
9 inquiries to determine the person's suitability for positions of public
10 trust.**

11 2. In order to facilitate the fingerprint background investigation
12 under subsection 1 of this section, and in accordance with the
13 provisions of section 43.543, the appointee shall submit a set of
14 fingerprints collected under the standards determined by the Missouri
15 highway patrol. The fingerprints and accompanying fees, unless
16 alternately arranged, shall be forwarded to the highway patrol to be
17 used to search the state criminal history repository and the
18 fingerprints shall be forwarded to the Federal Bureau of Investigations
19 for a national criminal background check. Any background
20 investigation conducted at the direction of the governor under
21 subsection 1 of this section may include criminal history record
22 information and other source information obtained by the highway
23 patrol. Information received by the state highway patrol under this
24 section shall be confidential and shall not be disclosed except to the
25 governor or members of the governor's staff as necessary to determine
26 the appointee's qualifications or ability, or both, to hold such office.

Bill ✓

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