

SENATE BILL NO. 1407

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURGER.

5622S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 311 and 313, RSMo, by adding thereto three new sections relating to background checks for certain license applications.

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

Section A. Chapters 311 and 313, RSMo, are amended by
2 adding thereto three new sections, to be known as sections
3 311.661, 313.912, and 313.1000, to read as follows:

311.661. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Alcohol carrier or transportation license", a
4 license issued to an applicant for the transport or delivery
5 of intoxicating liquor into, within, or through this state;

6 (2) "Manufacturer-solicitor, domestic winery, or
7 microbrewery liquor license", a license issued to an
8 applicant authorizing the manufacturing, distilling,
9 blending, or brewing of intoxicating liquor in this state;

10 (3) "Owner", an individual holding ten percent or
11 greater financial interest or voting interest in an entity
12 seeking to be licensed;

13 (4) "Primary retail liquor license", a license issued
14 to an applicant for the retail sale of intoxicating liquor
15 in this state;

16 (5) "Solicitor license", a license issued to an
17 applicant that allows for the solicitation of orders for the

18 sale of intoxicating liquor to wholesalers licensed in this
19 state;

20 (6) "Wholesalers license", a license issued to an
21 applicant authorizing the sale of intoxicating liquor to
22 retail licensees;

23 (7) "Wine direct shipper license", a license issued to
24 an applicant allowing for the direct shipping of
25 intoxicating liquor to consumers who are residents of this
26 state and who are at least twenty-one years of age for their
27 personal use and not for resale.

28 2. The division of alcohol and tobacco control may
29 require any owner or applicant, as such term is defined in
30 section 43.540, seeking a license for the manufacture, sale,
31 transport, consumption, or delivery of intoxicating liquors
32 within this state, as provided in this chapter, to submit
33 fingerprints to the Missouri state highway patrol for the
34 purpose of conducting a state and federal fingerprint-based
35 criminal history background check. Such background check
36 shall be required for the following licenses:

37 (1) Alcohol carrier or transportation license;

38 (2) Manufacturer-solicitor, domestic winery, or
39 microbrewery liquor license;

40 (3) Primary retail liquor license;

41 (4) Solicitor license;

42 (5) Wholesalers license; and

43 (6) Wine direct shipper license.

44 3. The fingerprints and any required fees shall be
45 sent to the Missouri state highway patrol's central
46 repository. The fingerprints shall be used for searching
47 the state criminal records repository and shall also be
48 forwarded to the Federal Bureau of Investigation for a
49 federal criminal records search under section 43.540. The

Missouri state highway patrol shall notify the division of alcohol and tobacco control of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the division of alcohol and tobacco control.

313.912. 1. As used in this section, the following terms shall mean:

(1) "Officer", the president, vice president, treasurer, secretary, and other officers identified in an entity's bylaws or incorporation documents, a member or manager of a limited liability company, a sole proprietor, or a partner;

(2) "Principal salaried executive staff officers", the president, any vice president in charge of a principal business unit, division, or function, such as sales, administration, or finance, any other officer who performs a policy-making function, or any other person who performs similar policy-making functions for a fantasy sports contest operator. Executive officers of subsidiaries may be deemed principal salaried executive staff officers of the fantasy sports contest operator if they perform such policy-making functions for the fantasy sports contest operator.

2. The commission may require that fingerprint submissions be made as part of an application for a fantasy sports contest operator license by any employees, officers, directors, and principal salaried executive staff officers of a fantasy sports contest operator to conduct fantasy sports contest activities.

24 3. If the commission requires that fingerprint
25 submissions be made as part of such application, the
26 commission shall require applicants to submit fingerprints
27 to the Missouri state highway patrol for the purpose of
28 conducting a state and federal fingerprint-based criminal
29 history background check.

30 4. The fingerprints and any required fees shall be
31 sent to the Missouri state highway patrol's central
32 repository. The fingerprints shall be used for searching
33 the state criminal records repository and shall also be
34 forwarded to the Federal Bureau of Investigation for a
35 federal criminal records search under section 43.540. The
36 Missouri state highway patrol shall notify the commission of
37 any criminal history record information or lack of criminal
38 history record information discovered on the individual.
39 Notwithstanding the provisions of section 610.120 to the
40 contrary, all records related to any criminal history
41 information discovered shall be accessible and available to
42 the commission.

313.1000. 1. As used in this section, all terms shall
2 have the same meaning as defined in Article III, Section
3 39(g) of the Missouri Constitution.

4 2. The commission may require that fingerprint
5 submissions be made as part of an application for a retail
6 license or mobile license.

7 3. If the commission requires that fingerprint
8 submissions be made as part of such application, the
9 commission shall require applicants to submit fingerprints
10 to the Missouri state highway patrol for the purpose of
11 conducting a state and federal fingerprint-based criminal
12 history background check.

13 4. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the commission of
20 any criminal history record information or lack of criminal
21 history record information discovered on the individual.
22 Notwithstanding the provisions of section 610.120 to the
23 contrary, all records related to any criminal history
24 information discovered shall be accessible and available to
25 the commission.

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