

HS HCS SB 184 -- CRIMINAL RECORDS

This bill makes several changes in the laws relating to criminal records. The bill:

(1) Requires the State Highway Patrol to maintain a web site containing all of the registered sex offenders within the state, including photographs of the offenders, their last known address, and the crimes for which they were convicted. The web site must have the capability of allowing an Internet user to find registered sex offenders living within a given distance from the Internet user's address;

(2) Adds computer and Internet-based crimes to the provision allowing political subdivisions to pool resources in the forming of crime task forces;

(3) Allows the Department of Health and Senior Services and the Department of Mental Health to use registry information. Current law allows only the Department of Social Services to use it and requires the Department of Health and Senior Services to include a search of the registered sex offender list as part of the registration process for anyone seeking to be placed on the Family Care Safety Registry beginning January 1, 2004;

(4) Requires each county sheriff to forward the county's sex offender registration list to the law enforcement agency of any college or university located within the county;

(5) Requires sex offenders to include in their registration information whether they are enrolled in a college and to update their registration information within seven days of changing their enrollment or employment with a college within the state;

(6) Allows any individual who has a criminal record in the central repository to challenge the accuracy of the record;

(7) Creates the crime of unlawful disclosure of criminal history information, a class A misdemeanor. The crime is committed when a person obtains criminal history record information from the central repository under false pretenses or disseminates the information to anyone other than the original requester for its intended purpose;

(8) Expands the definition of licensed day care "provider" and defines "qualified entity" as a person or entity that provides health care, education, or recreation for children, the elderly, or the disabled;

(9) Amends the process by which qualified entities, rather than

youth services agencies, may obtain a criminal record review of a provider;

(10) Adopts the National Crime Prevention and Privacy Compact, which is an agreement to facilitate the exchange of criminal history information for noncriminal justice purposes;

(11) Adds several state agencies to the list of entities requiring applicants to submit fingerprints for a criminal history check;

(12) Requires school bus driver permit applicants to submit fingerprints for a background check with the State Highway Patrol and the Federal Bureau of Investigation. This section becomes effective on January 1, 2004;

(13) Expands the list of government entities which may have access to closed arrest records;

(14) Allows a criminal justice agency receiving a request for criminal history information to require positive identification, including fingerprints, before releasing closed records;

(15) Adds fingerprinting to the requirements for a person wishing to have an arrest expunged from his or her record;

(16) Allows mental health facilities to disclose confidential records to the Department of Health and Senior Services when reporting abuse, neglect, or rights violations of patients;

(17) Disqualifies an applicant from working in a mental health facility when the person has pled guilty to a felony with a suspended imposition of sentence. In addition, existing law allows the director to grant an exception for some applicants with felony convictions, but the bill adds several felonies to the list of crimes for which no exception may be granted;

(18) Requires applicants for a direct care position at a mental health facility to sign a consent form to conduct a criminal background check and disclose his or her criminal history. The applicant is also required to disclose whether he or she is listed on the employee disqualification list;

(19) Makes it a class A misdemeanor for a job applicant at a mental health facility to knowingly fail to disclose his or her criminal history;

(20) Makes it a class A misdemeanor for a provider to knowingly hire a person who has been disqualified from employment at a mental health facility;

(21) Repeals a provision that prohibits the fingerprinting of juvenile offenders;

(22) Repeals a sunset clause for several provisions relating to the protection of children; and

(23) Clarifies that members of a county board of visitors (which periodically inspects county and city jails) enjoy the same immunity as judicial officers.