

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for Senate Bill No. 84, Section A, Page 1, by inserting  
2 immediately after said Section the following:

3 "43.010. As used in this chapter, the following terms shall have the meanings indicated:

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

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

8 [(3)] (2) "MULES", Missouri uniform law enforcement system, a statewide-computerized  
9 communications system provided by the patrol designed to provide services, information, and  
10 capabilities to the law enforcement and criminal justice community in the state of Missouri;

11 [(4)] (3) "Patrol", the Missouri state highway patrol;

12 [(5)] (4) "Peace officers", sheriffs, police officers and other peace officers of this state;

13 [(6)] (5) "Radio personnel", those employees of the patrol engaged in the construction,  
14 operation, and maintenance of the patrol radio system.

15 43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed  
16 from the uniformed membership or a retired member of the patrol by the governor by and with the  
17 advice and consent of the senate. The superintendent shall hold office at the pleasure of the  
18 governor. The superintendent shall be a citizen of the United States and a resident taxpaying  
19 citizen of this state for a period of three years previous to being appointed as superintendent and

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1 shall be at least thirty years of age. The superintendent shall maintain an office [and reside] in  
2 Jefferson City.

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

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

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

9 43.050. 1. The superintendent may appoint not more than twenty-five captains and one  
10 director of radio, each of whom shall have the same qualifications as the superintendent, nor more  
11 than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the  
12 total number of members of the patrol shall not exceed nine hundred sixty-five officers and  
13 patrolmen and such numbers of radio personnel as the superintendent deems necessary.

14 2. In case of a national emergency the superintendent may name additional patrolmen and  
15 radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel  
16 called into military services.

17 3. The superintendent may enter into an agreement with the Missouri gaming commission  
18 to enforce any law, rule, or regulation, conduct background investigations authorized under the  
19 laws of this state, and enforce the regulations of licensed gaming activities governed by chapter  
20 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement  
21 shall be in writing and executed not less than one year from the effective date of the termination  
22 or modification, unless mutually agreed upon by the superintendent and the Missouri gaming  
23 commission. Members of the patrol hired in conjunction with any agreement with the Missouri  
24 gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this  
25 section. If such agreement is subsequently terminated or modified to reduce the number of  
26 personnel used in such agreement, those members affected by such termination or modification  
27 shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of  
28 [three] five years.

29 4. [Members] Member positions of the patrol [hired] originally acquired in conjunction  
30 with the community-oriented policing services federal grant or members assigned to fulfill the  
31 duties established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced

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1 in subsection 1 of this section.

2 5. Applicants shall not be discriminated against because of race, creed, color, national  
3 origin or sex.

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

15 43.120. 1. The superintendent shall prescribe rules for instruction and discipline and  
16 make all administrative rules and regulations and fix the hours of duty for the members of the  
17 patrol. The superintendent shall divide the state into [districts] troops and assign members of the  
18 patrol to such [districts] troops in the manner as deemed proper to carry out the purposes of this  
19 chapter. The superintendent may call members of the patrol from one [district] troop to another.

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

26 3. In case of the absence of the superintendent, or at the time the superintendent  
27 designates, the lieutenant colonel shall assume the duties of the superintendent. In the absence of  
28 both the superintendent and the lieutenant colonel, a major shall be designated by the  
29 superintendent or by the lieutenant colonel. In case of the disability of the superintendent and the

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1 lieutenant colonel, the governor may designate a major as acting superintendent and when so  
2 designated, the acting superintendent shall have all the powers and duties of the superintendent.

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

8 5. The superintendent is responsible for establishing policy, procedures, and regulations in  
9 cooperation with the law enforcement and criminal justice community in protecting the integrity  
10 of the MULES system. The superintendent shall be responsible for the administration and  
11 enforcement of all MULES policies and regulations consistent with state and federal rules, policy,  
12 and law by which the MULES system operates.

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

16 43.220. Neither the governor[, the commission,] nor the superintendent shall have any  
17 power, right or authority to command, order or direct any member of the patrol to perform any  
18 duty or service not authorized [by this chapter] under state statute.

19 43.530. 1. For each request requiring the payment of a fee received by the central  
20 repository, the requesting entity shall pay a fee of not more than [five] nine dollars per request for  
21 criminal history record information not based on a fingerprint search [when the requesting entity  
22 is required to obtain such information by any provision of state or federal law and pay a fee of not  
23 more than fourteen dollars per request for criminal history record information based on a  
24 fingerprint search when the requesting entity is required to obtain such information by any  
25 provision of state or federal law; provided that, when the requesting entity is not required to  
26 obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars  
27 per request for criminal history record information not based on a fingerprint search and]. In each  
28 year beginning on or after January 1, 2010, the superintendent may increase the fee paid by  
29 requesting entities by an amount not to exceed one dollar per year, however, under no

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1 circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.

2 2. For each request requiring the payment of a fee received by the central repository, the  
3 requesting entity shall pay a fee of not more than twenty dollars per request for criminal history  
4 record information based on a fingerprint search[. Each such], unless the request is required under  
5 the provisions of subdivision (6) of section 210.481, RSMo, section 210.487, RSMo, or section  
6 571.101, RSMo, in which case, the fee shall be fourteen dollars.

7 3. A request made under subsections 1 and 2 of this section shall be limited to check and  
8 search on one individual. Each request shall be accompanied by a check, warrant, voucher,  
9 money order, or electronic payment payable to the state of Missouri-criminal record system or  
10 payment shall be made in a manner approved by the highway patrol. The highway patrol may  
11 establish procedures for receiving requests for criminal history record information for  
12 classification and search for fingerprints, from courts and other entities, and for the payment of  
13 such requests. There is hereby established by the treasurer of the state of Missouri a fund to be  
14 entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section  
15 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally  
16 expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended  
17 moneys in such fund shall remain in the fund and the balance shall be kept in the fund to  
18 accumulate from year to year.

19 43.546. 1. Any state agency, board, or commission may require the fingerprinting of  
20 applicants in specified occupations or appointments within the state agency, board, or commission  
21 for the purpose of positive identification and receiving criminal history record information when  
22 determining an applicant's ability or fitness to serve in such occupation or appointment.

23 2. In order to facilitate the criminal background check under subsection 1 of this section  
24 on any person employed or appointed by a state agency, board, or commission, and in accordance  
25 with section 43.543, the applicant or employee shall submit a set of fingerprints collected under  
26 the standards determined by the Missouri highway patrol. The fingerprints and accompanying  
27 fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the  
28 state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of  
29 Investigation for a national criminal background check. Notwithstanding the provisions of section

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1 610.120, RSMo, all records related to any criminal history information discovered shall be  
2 accessible and available to the state agency making the request.

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

10 2. In order to facilitate the fingerprint background investigation under subsection 1 of this  
11 section, and in accordance with the provisions of section 43.543, the appointee shall submit a set  
12 of fingerprints collected under the standards determined by the Missouri highway patrol. The  
13 fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway  
14 patrol to be used to search the state criminal history repository and the fingerprints shall be  
15 forwarded to the Federal Bureau of Investigation for a national criminal background check. Any  
16 background investigation conducted at the direction of the governor under subsection 1 of this  
17 section may include criminal history record information and other source information obtained by  
18 the highway patrol."; and

19  
20 Further amend said bill by amending the title, enacting clause, and intersectional references  
21 accordingly.

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