

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 774, Page 5, Section 41.005, Line 5,  
2 by inserting after all of said section and line the following:

3  
4 "43.503. 1. For the purpose of maintaining complete and accurate criminal history record  
5 information, all police officers of this state, the clerk of each court, the department of corrections,  
6 the sheriff of each county, the chief law enforcement official of a city not within a county and the  
7 prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit  
8 certain criminal arrest, charge, and disposition information to the central repository for filing  
9 without undue delay in the form and manner required by sections 43.500 to 43.651.

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

24 3. In instances where an individual less than seventeen years of age and not currently  
25 certified as an adult is taken into custody for an offense which would be a felony if committed by an  
26 adult, the arresting officer shall take fingerprints for the central repository. These fingerprints shall  
27 be taken on fingerprint cards supplied by or approved by the highway patrol or transmitted  
28 electronically in a format and manner approved by the highway patrol and in compliance with the  
29 standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification  
30 System or its successor program. The fingerprint cards shall be so constructed that the name of the  
31 juvenile should not be made available to the central repository. The individual's name and the  
32 unique number associated with the fingerprints and other pertinent information shall be provided to  
33 the court of jurisdiction by the agency taking the juvenile into custody. The juvenile's fingerprints  
34 and other information shall be forwarded to the central repository and the courts without undue  
35 delay. The fingerprint information from the card shall be captured and stored in the automated  
36 fingerprint identification system operated by the central repository. In the event the fingerprints are

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1 found to match other tenprints or unsolved latent prints, the central repository shall notify the  
2 submitting agency who shall notify the court of jurisdiction as per local agreement. Under section  
3 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged to have  
4 violated a state or municipal traffic ordinance or regulation, which does not constitute a felony, and  
5 the juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless certified  
6 as an adult.

7 4. Upon certification of the individual as an adult, the certifying court shall order a law  
8 enforcement agency to immediately fingerprint and photograph the individual and certification  
9 papers will be forwarded to the appropriate law enforcement agency with the order for  
10 fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and  
11 certification papers to the central repository within fifteen days and shall furnish the offense cycle  
12 number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city  
13 not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is  
14 acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify  
15 within fifteen days the central repository of the change of status of the juvenile. Records of a child  
16 who has been fingerprinted and photographed after being taken into custody shall be closed records  
17 as provided under section 610.100 if a petition has not been filed within thirty days of the date that  
18 the child was taken into custody; and if a petition for the child has not been filed within one year of  
19 the date the child was taken into custody, any records relating to the child concerning the alleged  
20 offense may be expunged under the procedures in sections 610.122 to 610.126.

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

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

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

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

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

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

44 7. The clerk of the courts of each county or city not within a county shall furnish, to the  
45 department of corrections or department of mental health, court judgment and sentence documents  
46 and the state offense cycle number and the charge code of the offense which resulted in the  
47 commitment or assignment of an offender to the jurisdiction of the department of corrections or the  
48 department of mental health if the person is committed pursuant to chapter 552. This information  
49 shall be reported to the department of corrections or the department of mental health at the time of

1 commitment or assignment. If the offender was already in the custody of the department of  
2 corrections or the department of mental health at the time of such subsequent conviction, the clerk  
3 shall furnish notice of such subsequent conviction to the appropriate department by certified mail,  
4 return receipt requested, or in a manner and format mutually agreed to, within fifteen days of such  
5 disposition.

6 8. Information and fingerprints, photograph and if available, any other unique biometric  
7 identification collected, forwarded to the central repository, normally obtained from a person at the  
8 time of the arrest, may be obtained at any time the subject is in the criminal justice system or  
9 committed to the department of mental health. A law enforcement agency or the department of  
10 corrections may fingerprint, photograph, and capture any other unique biometric identification of  
11 the person unless collecting other unique biometric identification of the person is not financially  
12 feasible for the law enforcement agency, and obtain the necessary information at any time the  
13 subject is in custody. If at the time of any court appearance, the defendant has not been  
14 fingerprinted and photographed for an offense in which a fingerprint and photograph is required by  
15 statute to be collected, maintained, or disseminated by the central repository, the court shall order a  
16 law enforcement agency or court marshal to fingerprint and photograph immediately the defendant.  
17 The order for fingerprints shall contain the offense, charge code, date of offense, and any other  
18 information necessary to complete the fingerprint card. The law enforcement agency or court  
19 marshal shall submit such fingerprints, photograph, and if available, any other unique biometric  
20 identification collected, to the central repository without undue delay and within thirty days and  
21 shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or  
22 the circuit attorney of a city not within a county and to the court clerk of the court ordering the  
23 subject fingerprinted.

24 9. The department of corrections and the department of mental health shall furnish the  
25 central repository with all information concerning the receipt, escape, execution, death, release,  
26 pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or  
27 discharge of an individual who has been sentenced to that department's custody for any offenses  
28 which are mandated by law to be collected, maintained or disseminated by the central repository.  
29 All records forwarded to the central repository by the department as required by sections 43.500 to  
30 43.651 shall include the offense cycle number of the offense, and the originating agency identifier  
31 number of the department using such numbers as assigned by the highway patrol.

32 43.665. The highway patrol shall, subject to appropriation, maintain a web page that shall be  
33 open to the public and shall include a stolen firearm search capability. The stolen firearm search  
34 shall make it possible for any person using the internet to search for the serial number of a firearm  
35 and determine whether the firearm has been reported stolen. The highway patrol shall not be  
36 required to provide any other information regarding a stolen firearm."; and  
37

38 Further amend said bill by amending the title, enacting clause, and intersectional references  
39 accordingly.