

FIRST REGULAR SESSION

SENATE BILL NO. 508

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

Read 1st time February 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2422S.011

AN ACT

To repeal section 610.120, RSMo, and to enact in lieu thereof one new section relating to criminal history records, with an emergency clause.

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

Section A. Section 610.120, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 610.120, to read as follows:

610.120. 1. Except as otherwise provided under section 610.124, records
2 required to be closed shall not be destroyed; they shall be inaccessible to the
3 general public and to all persons other than the defendant except as provided in
4 this section and chapter 43. Closed records shall be available to: criminal justice
5 agencies for the administration of criminal justice pursuant to section 43.500,
6 criminal justice employment, screening persons with access to criminal justice
7 facilities, procedures, and sensitive information; to law enforcement agencies for
8 issuance or renewal of a license, permit, certification, or registration of authority
9 from such agency including but not limited to watchmen, security personnel, **and**
10 private investigators[, and persons seeking permits to purchase or possess a
11 firearm]; those agencies authorized by chapter 43 and applicable state law when
12 submitting fingerprints to the central repository; the sentencing advisory
13 commission created in section 558.019 for the purpose of studying sentencing
14 practices in accordance with chapter 43; to qualified entities for the purpose of
15 screening providers defined in chapter 43; the department of revenue for driver
16 license administration; the department of public safety for the purposes of
17 determining eligibility for crime victims' compensation pursuant to sections
18 595.010 to 595.075, department of health and senior services for the purpose of
19 licensing and regulating facilities and regulating in-home services provider

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

20 agencies and federal agencies for purposes of criminal justice administration,
21 criminal justice employment, child, elderly, or disabled care, and for such
22 investigative purposes as authorized by law or presidential executive order.

23 2. These records shall be made available only for the purposes and to the
24 entities listed in this section. A criminal justice agency receiving a request for
25 criminal history information under its control may require positive identification,
26 to include fingerprints of the subject of the record search, prior to releasing closed
27 record information. Dissemination of closed and open records from the Missouri
28 criminal records repository shall be in accordance with section 43.509. All
29 records which are closed records shall be removed from the records of the courts,
30 administrative agencies, and law enforcement agencies which are available to the
31 public and shall be kept in separate records which are to be held confidential and,
32 where possible, pages of the public record shall be retyped or rewritten omitting
33 those portions of the record which deal with the defendant's case. If retyping or
34 rewriting is not feasible because of the permanent nature of the record books,
35 such record entries shall be blacked out and recopied in a confidential book.

36 **3. Closed records shall not be available to any law enforcement**
37 **agency or government entity that are attempting to determine the**
38 **eligibility of an individual to purchase or possess a firearm or**
39 **ammunition. This subsection shall not apply if a law enforcement**
40 **agency or government entity obtains a court order that makes the**
41 **closed records sought available.**

Section B. Because of the urgent need to ensure closed records remain
2 closed, section A of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act
5 shall be in full force and effect upon its passage and approval.

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