

SECOND REGULAR SESSION

# HOUSE BILL NO. 1580

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MAYHEW.

4285H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 43.503, RSMo, and to enact in lieu thereof two new sections relating to firearms.

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

Section A. Section 43.503, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 43.503 and 43.665, to read as follows:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 furnishing without undue delay such fingerprints, photograph, and if available, any other  
19 unique biometric identification collected, charges, appropriate charge codes, and descriptions  
20 to the central repository upon its behalf. **All such agencies shall also notify the central**  
21 **repository of any firearm reported stolen and the serial number of the firearm.**

22         3. In instances where an individual less than seventeen years of age and not currently  
23 certified as an adult is taken into custody for an offense which would be a felony if committed  
24 by an adult, the arresting officer shall take fingerprints for the central repository. These  
25 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol  
26 or transmitted electronically in a format and manner approved by the highway patrol and in  
27 compliance with the standards set by the Federal Bureau of Investigation in its Automated  
28 Fingerprint Identification System or its successor program. The fingerprint cards shall be so  
29 constructed that the name of the juvenile should not be made available to the central  
30 repository. The individual's name and the unique number associated with the fingerprints and  
31 other pertinent information shall be provided to the court of jurisdiction by the agency taking  
32 the juvenile into custody. The juvenile's fingerprints and other information shall be  
33 forwarded to the central repository and the courts without undue delay. The fingerprint  
34 information from the card shall be captured and stored in the automated fingerprint  
35 identification system operated by the central repository. In the event the fingerprints are  
36 found to match other tenprints or unsolved latent prints, the central repository shall notify the  
37 submitting agency who shall notify the court of jurisdiction as per local agreement. Under  
38 section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged  
39 to have violated a state or municipal traffic ordinance or regulation, which does not constitute  
40 a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be  
41 fingerprinted unless certified as an adult.

42         4. Upon certification of the individual as an adult, the certifying court shall order a  
43 law enforcement agency to immediately fingerprint and photograph the individual and  
44 certification papers will be forwarded to the appropriate law enforcement agency with the  
45 order for fingerprinting. The law enforcement agency shall submit such fingerprints,  
46 photograph, and certification papers to the central repository within fifteen days and shall  
47 furnish the offense cycle number associated with the fingerprints to the prosecuting attorney  
48 or the circuit attorney of a city not within a county and to the clerk of the court ordering the  
49 subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an  
50 adult, the prosecuting attorney shall notify within fifteen days the central repository of the  
51 change of status of the juvenile. Records of a child who has been fingerprinted and  
52 photographed after being taken into custody shall be closed records as provided under section  
53 610.100 if a petition has not been filed within thirty days of the date that the child was taken  
54 into custody; and if a petition for the child has not been filed within one year of the date the

55 child was taken into custody, any records relating to the child concerning the alleged offense  
56 may be expunged under the procedures in sections 610.122 to 610.126.

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

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

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

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

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

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

83         7. The clerk of the courts of each county or city not within a county shall furnish, to  
84 the department of corrections or department of mental health, court judgment and sentence  
85 documents and the state offense cycle number and the charge code of the offense which  
86 resulted in the commitment or assignment of an offender to the jurisdiction of the department  
87 of corrections or the department of mental health if the person is committed pursuant to  
88 chapter 552. This information shall be reported to the department of corrections or the  
89 department of mental health at the time of commitment or assignment. If the offender was  
90 already in the custody of the department of corrections or the department of mental health at  
91 the time of such subsequent conviction, the clerk shall furnish notice of such subsequent

92 conviction to the appropriate department by certified mail, return receipt requested, or in a  
93 manner and format mutually agreed to, within fifteen days of such disposition.

94 8. Information and fingerprints, photograph and if available, any other unique  
95 biometric identification collected, forwarded to the central repository, normally obtained from  
96 a person at the time of the arrest, may be obtained at any time the subject is in the criminal  
97 justice system or committed to the department of mental health. A law enforcement agency  
98 or the department of corrections may fingerprint, photograph, and capture any other unique  
99 biometric identification of the person unless collecting other unique biometric identification  
100 of the person is not financially feasible for the law enforcement agency, and obtain the  
101 necessary information at any time the subject is in custody. If at the time of any court  
102 appearance, the defendant has not been fingerprinted and photographed for an offense in  
103 which a fingerprint and photograph is required by statute to be collected, maintained, or  
104 disseminated by the central repository, the court shall order a law enforcement agency or  
105 court marshal to fingerprint and photograph immediately the defendant. The order for  
106 fingerprints shall contain the offense, charge code, date of offense, and any other information  
107 necessary to complete the fingerprint card. The law enforcement agency or court marshal  
108 shall submit such fingerprints, photograph, and if available, any other unique biometric  
109 identification collected, to the central repository without undue delay and within thirty days  
110 and shall furnish the offense cycle number associated with the fingerprints to the prosecuting  
111 attorney or the circuit attorney of a city not within a county and to the court clerk of the court  
112 ordering the subject fingerprinted.

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

**43.665. The highway patrol shall, subject to appropriation, maintain a web page  
2 that shall be open to the public and shall include a stolen firearm search capability. The  
3 stolen firearm search shall make it possible for any person using the internet to search  
4 for the serial number of a firearm and determine whether the firearm has been reported  
5 stolen. The highway patrol shall not be required to provide any other information  
6 regarding a stolen firearm.**