

BILL NO. 23-169

AN ORDINANCE REPEALING ORDINANCE NO. 9719 PASSED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT ON JULY 25, 2023 AND ENACTING IN LIEU THEREOF A NEW ORDINANCE AUTHORIZING THE CITY OF LEE'S SUMMIT TO REQUIRE FINGERPRINTING OF APPLICANTS OR LICENSEES IN SPECIFIED OCCUPATIONS FOR THE PURPOSE OF RECEIVING STATE AND NATIONAL CRIMINAL HISTORY RECORD INFORMATION.

WHEREAS, the City of Lee's Summit ("City") regulates the licensure for liquor, licensure and issuance of an identification card as a solicitor/peddler, and licensure and issuance of a certificate of registration as an armed or unarmed private security guard within the City of Lee's Summit, Missouri; and,

WHEREAS, the City desires to receive criminal history record information of applicants and licensees in specified occupations; and,

WHEREAS, the City of Lee's Summit desires to enact an ordinance to facilitate the receipt of criminal history record information from the Missouri State Highway Patrol, Criminal Justice Information Services (CJIS) Division and the Federal Bureau of Investigation (FBI) pursuant to Chapter 43, Section 43.535 RSMo.; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. This Ordinance is enacted pursuant to Chapter 43, Section 43.535 RSMo., to regulate the licensure for liquor, licensure and issuance of an identification card as a solicitor/peddler, and licensure and issuance of a certificate of registration as an armed or unarmed private security guard within the City of Lee's Summit, Missouri.

SECTION 2. Any person seeking to obtain licensure for liquor, licensure and issuance of an identification card as a solicitor/peddler, and licensure and issuance of a certificate of registration as an armed or unarmed private security guard shall submit his/her fingerprints to the Missouri State Highway Patrol, Criminal Justice Information Services (CJIS) Division, along with appropriate fees.

SECTION 3. The Missouri State Highway Patrol, CJIS Division will compare the subject's fingerprints against its criminal file and submit the fingerprints to the Federal Bureau of Investigation (FBI) for a comparison with national criminal history records. The results of the FBI check will be returned to the Missouri State Highway Patrol, CJIS Division, which will disseminate the state and national results to the City of Lee's Summit.

SECTION 4. The City of Lee's Summit shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, the City will decide whether the subject of record has been convicted of or is under pending indictment for (a) a crime which bears upon his/her ability or fitness to obtain a license or serve in that capacity; (b) any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or (c) enumerated disqualifiers.

SECTION 5. The subject of the record may request and receive a copy of their criminal history record information from the City as authorized under law. Should the subject of record seek to amend or correct their, they must contact the Missouri State Highway Patrol, CJIS Division

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for a Missouri state record and the Federal Bureau of Investigation for records from other state jurisdictions maintained in its file.

SECTION 6. Ordinance 9719 and all prior inconsistent ordinances are hereby repealed.

SECTION 7. The City Manager, or designee, is further authorized to take such further action and execute such documents as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 8. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 9. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*