

AN 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 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 of Lee's Summit desires to receive criminal history record information of applicants and licensees in specified occupations and those seeking prospective employment, continued employment with the City of Lee's Summit; 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 or prospective employment, continued employment with 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, or seeking prospective employment, or continued employment with the City of Lee's Summit 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 of Lee's Summit 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 record may request and receive a copy of his/her criminal history record information from the City of Lee's Summit. Should the subject of record seek to

BILL NO. 23-149

ORDINANCE NO. 9719

SECTION 5. The subject of record may request and receive a copy of his/her criminal history record information from the City of Lee's Summit. Should the subject of record seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol, CJIS Division for a Missouri state record and the Federal Bureau of Investigation for records from other state jurisdictions maintained in its file.

SECTION 6. 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 7. 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 25th day of July, 2023.

ATTEST:

Trisha Fowler Arcuri
City Clerk *Trisha Fowler Arcuri*



William A. Baird
Mayor *William A. Baird*

APPROVED by the Mayor of said city this 27th day of July, 2023.

ATTEST:

Trisha Fowler Arcuri
City Clerk *Trisha Fowler Arcuri*

William A. Baird
Mayor *William A. Baird*

APPROVED AS TO FORM:

Brian W. Head
City Attorney, *Brian W. Head*



Title V MILITARY AFFAIRS AND POLICE

Chapter 43

< > • **Effective - 28 Aug 2018, 2 histories** ↓

43.535. **Municipal and county government, criminal record review permitted, fee — fingerprinting, when — confidentiality.** — 1. Law enforcement agencies within the state of Missouri may perform a Missouri criminal record review for only open records through the central repository's automated criminal history system for the purpose of hiring of municipal or county governmental employees. For each request, other than those related to the administration of criminal justice, the requesting entity shall pay a fee to the central repository, pursuant to section 43.530. For purposes of this section, "requesting entity" shall not be the law enforcement agency unless the request is made by the law enforcement agency for purposes of hiring law enforcement personnel.

2. Municipalities and counties may, by local or county ordinance, require the fingerprinting of applicants or licensees in specified occupations for the purpose of receiving criminal history record information by local or county officials. A copy of the ordinance must be forwarded for approval to the Missouri state highway patrol prior to the submission of fingerprints to the central repository. The local or county law enforcement agency shall submit a set of fingerprints of the applicant or licensee, accompanied with the appropriate fees, to the central repository for the purpose of checking the person's criminal history under section 43.540. The set of fingerprints shall be used to search the Missouri criminal records repository and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the municipal or county officials making the record request.

3. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

(L. 2005 H.B. 353, A.L. 2018 H.B. 1350)

---- end of effective 28 Aug 2018 ----
[use this link to bookmark section 43.535](#)

- All versions

	Effective	End
43.535	8/28/2018	

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History and Fun Facts

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