

Legislation Text

File #: BILL NO. 23-169, **Version:** 1

An Ordinance repealing Ordinance No. 9719 passed by the Council of the City of Lee's Summit, Missouri on July 25, 2023 and enacting 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.

(Note: First read by Council on August 22, 2023. Passed by unanimous vote.)

Key Issues:

On July 25, 2023 the City Council approved ordinance no 9719 that would allow the City to utilize 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. for certain non-criminal purposes. Specifically that ordinance would allow the City to utilize the information for liquor licensing, solicitor/peddler licensing and security guard licensing. In addition, it would have allowed the City to use this information for employment purposes and for volunteers. At that Council meeting, concerns were raised about including volunteers and employees as persons required to undergo a back ground check through this process.

Presently, the City utilizes a third party vendor to provide background checks for prospective employees. Additionally, the already-existing authorization allows the Police Department to conduct background check of volunteers and vendors who work with the Police Department. After review, staff feels it is appropriate to remove employees and volunteers from the authorizing ordinance.

Proposed Council Motion:

I move for adoption of an Ordinance repealing Ordinance No. 9719 passed by the Council of the City of Lee's Summit, Missouri on July 25, 2023 and enacting 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.

Background:

The City currently completes a criminal history check of applicants for liquor licenses, and individuals desiring to be security guards or peddlers or solicitors within the City by searching open, public records through multiple sources. Access to the criminal history record information from 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 would allow the City to review closed as well as open criminal history records accessible through one complete and thorough source.

If the City Council approves this ordinance, the City will send the ordinance along with a letter of request to the Missouri Highway Patrol and FBI requesting access to open and closed records criminal history records of

applicants for licenses and certificates for liquor, peddling or soliciting, and armed security guards. Once approved by the Missouri Highway Patrol and FBI, the City will also be eligible to participate in the state and national Rap Back program which provides on-going updates to criminal record information.

A criminal history check of applicants for liquor licenses, security guards, and peddlers and solicitors is required to comply with the existing city ordinances.

Brian Head, City Attorney

Staff recommends approval.