

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2376, Page 2, Section 163.063, Line 26,
2 by inserting after all of said section and line the following:

3
4 "210.493. 1. Officers, managers, contractors, volunteers with access to children, and
5 employees~~[, and other support staff]~~ of licensed residential care facilities and licensed child placing
6 agencies in accordance with sections 210.481 to 210.536; owners of such residential care facilities
7 who will have access to the facilities; and owners of such child placing agencies who will have
8 access to children shall submit fingerprints and any information that the department requires to
9 complete the background checks, as specified in regulations established by the department, to the
10 Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based
11 background checks.

12 2. Officers, managers, contractors, volunteers with access to children, and employees~~[, and~~
13 ~~other support staff]~~ of residential care facilities subject to the notification requirements under
14 sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the
15 property of such residential care facility; any person who has unsupervised contact with a resident of
16 the residential care facility; and owners of such residential care facilities who will have access to the
17 facilities shall submit fingerprints and any information that the department requires to complete the
18 background checks, as specified in regulations established by the department, to the Missouri state
19 highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

20 3. A background check shall include:

21 (1) A state and Federal Bureau of Investigation fingerprint check; and

22 (2) [~~A search of the National Crime Information Center's National Sex Offender Registry;~~

23 ~~and~~

24 (3)] A search of the following registries, repositories, or databases in Missouri, the state
25 where the applicant resides, and each state where such applicant resided during the preceding five
26 years:

27 (a) The state criminal registry or repository, with the use of fingerprints being required in
28 the state where the applicant resides and optional in other states;

29 (b) The state sex offender registry or repository;

30 (c) The state family care safety registry; and

31 (d) The state-based child abuse and neglect registry and database.

32 4. For the purposes this section and notwithstanding any other provision of law,
33 "department" means the department of social services.

34 5. The department shall be responsible for background checks as part of a residential care
35 facility or child placing agency application for licensure, renewal of licensure, or for license
36 monitoring.

Action Taken _____ Date _____

1 6. The department shall be responsible for background checks for residential care facilities
2 subject to the notification requirements of sections 210.1250 to 210.1286.

3 7. Fingerprint cards and any required fees shall be sent to the Missouri state highway
4 patrol's central repository. The fingerprints shall be used for searching the state criminal records
5 repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal
6 records search under section 43.540. The Missouri state highway patrol shall notify the department
7 of any criminal history record information or lack of criminal history record information discovered
8 on the individual. Notwithstanding the provisions of section 610.120, all records related to any
9 criminal history information discovered shall be accessible and available to the department.

10 8. Fingerprints submitted to the Missouri state highway patrol for the purpose of conducting
11 state and federal fingerprint-based background checks under this section shall be valid for a period
12 of five years.

13 9. The department shall provide the results of the background check to the applicant in a
14 statement that indicates whether the applicant is eligible or ineligible for employment or presence at
15 the licensed residential care facility or licensed child placing agency. The department shall not
16 reveal to the residential care facility or the child placing agency any disqualifying offense or other
17 related information regarding the applicant. The applicant shall have the opportunity to appeal an
18 ineligible finding.

19 10. The department shall provide the results of the background check to the applicant in a
20 statement that indicates whether the applicant is eligible or ineligible for employment or presence at
21 the residential care facility subject to the notification requirements of sections 210.1250 to
22 210.1286. The department shall not reveal to the residential care facility any disqualifying offense
23 or other related information regarding the applicant. The applicant shall have the opportunity to
24 appeal an ineligible finding.

25 11. An applicant shall be ineligible if the applicant:

26 (1) Refuses to consent to the background check as required by this section;

27 (2) Knowingly makes a materially false statement in connection with the background check
28 as required by this section;

29 (3) Is registered, or is required to be registered, on a state sex offender registry or repository
30 [~~or the National Sex Offender Registry~~];

31 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or
32 any other finding of child abuse or neglect based on any other state's registry or database; or

33 (5) Has pled guilty or nolo contendere to or been found guilty of:

34 (a) Any felony for an offense against the person as defined in chapter 565;

35 (b) Any other offense against the person involving the endangerment of a child as
36 prescribed by law;

37 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

38 (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;

39 (e) Burglary in the first degree as defined in section 569.160;

40 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

41 (g) Any misdemeanor or felony for pornography or related offense as defined in chapter
42 573;

43 (h) Any felony for arson as defined in chapter 569;

44 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a
45 weapon as defined in section 571.030, unlawful possession of a firearm as defined in section
46 571.070, or the unlawful possession of an explosive as defined in section 571.072;

47 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
48 574.125;

49 (k) A felony drug-related offense committed during the preceding five years; or

1 (l) Any similar offense in any federal, state, or other court of similar jurisdiction of which
2 the department has knowledge.

3 12. Any person aggrieved by a decision of the department shall have the right to seek an
4 administrative review. The review shall be filed with the department within fourteen days from the
5 mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

6 13. Any required fees shall be paid by the individual applicant, facility, or agency.

7 14. The department is authorized to promulgate rules, including emergency rules, to
8 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in
9 section 536.010, that is created under the authority delegated in this section shall become effective
10 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
11 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
12 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
13 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after July 14, 2021, shall be invalid and void."; and

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16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.