AN ORDINANCE RESCINDING ORDINANCE 19-077 AND REQUIRING THE FINGERPRINTING OF LICENSEES IN CONCEALED CARRY SECURITY OFFICER, SECURITY OFFICER, WATCHMAN, APPLICANT FOR A TOW TRUCK BUSINESS LICENSE, AND APPLICANT FOR A TOW TRUCK OPERATOR LICENSE FOR CRIMINAL HISTORY RECORD INFORMATION FROM THE MISSOURI STATE HIGHWAY PATROL AND FEDERAL BUREAU OF INVESTIGATION

WHEREAS, Section 43.535, RSMo. provides that Counties may, by passage of an ordinance, require the fingerprinting of applicants or licensees in specified occupations for the purpose of receiving criminal history record information by County officials from the Missouri State Highway Patrol; and

WHEREAS, passage of this ordinance will allow the County to receive the Missouri criminal records repository and the Federal Bureau of Investigation federal criminal history files, and will allow the County to lawfully receive access to all records related to any criminal history information discovered; and

WHEREAS, criminal history information will be required for all individuals identified in section 3 applying for the issuance or renewal of a license from the County; and

WHEREAS, Ordinance 19-077 was enacted for a similar purpose but was insufficient to authorize the use for which it was
intended; and

WHEREAS, the County now rescinds that Ordinance; and

WHEREAS, passage of this bill will allow for more thorough and efficient criminal history checks of individuals identified in section 3 applying for issuance or renewal of a license and will allow the County to make informed decisions about those individuals it seeks to hire to ensure the safety of County citizens and responsible stewardship of County funds and information; and

WHEREAS, a future bill will amend the appropriate sections of the Ordinances of St. Charles County, Missouri in order to implement these changes to the criminal history process for the occupations specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. This ordinance is enacted pursuant to Chapter 43, Section 43.535 RSMo., to regulate the issuance or renewal of licenses within St. Charles County.

Section 2. **Definitions**
As used in these Sections, the following terms shall have the meanings ascribed to them, thus:

1. “Concealed Carry Security Officer” means a person employed with certain powers to protect life and property only in a designated area and who must be in uniform, unless otherwise approved by the Chief of Police, and may or may not carry a concealed firearm, an exposed firearm, an electronic control weapon, or a protective device.
2. "Security Officer" means a person twenty-one (21) years of age or older employed with certain powers to protect life and property on/in a designated area and who must be in uniform, unless otherwise approved by the Chief of Police, and may or may not carry an exposed firearm, electronic control weapon, or protective device.  
3. "Watchman" means a person eighteen (18) years or older employed without any firearm, weapon or protective device to perform the tasks of observation, protection and reporting on/in a designated area.

Section 3. Each applicant for a license pursuant to Chapter 605, OSCCMo. desiring to act as a watchman, security officer, or concealed carry security officer in St. Charles County; each applicant for a tow truck business license in St. Charles County pursuant to Chapter 608, OSCCMo.; and each applicant for a tow truck operator license, shall be required to have their fingerprints taken by the St. Charles County Police Department or a designated agency for submission to the Missouri State Highway Patrol, Criminal Justice Information Services (CJIS) Division and pay any required fees.

Section 4. 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 St. Charles County.

Section 5. St. Charles County shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, St. Charles County
government 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 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 6. The subject of record may request and receive a copy of his/her criminal history record information from St. Charles County government. 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 7. Ordinance 19-077 is hereby rescinded.

Section 8. This ordinance shall be in full force and effect from and after the date of its passage and approval.

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE