

AN ORDINANCE ENACTING SECTION 5.100.200 TO CHAPTER 100 IN THE CITY OF GLADSTONE, MISSOURI'S MUNICIPAL CODE ENTITLED "USE OF FINGERPRINTS".

WHEREAS, the City Council believes it is in the public interest to require those seeking licenses to operate an Adult Business or be a manager, server or entertainer at an Adult Business under Section 5.115.060 and those persons' applying for a license to operate a business with either a Class A or Class D license under Section 5.110.190 and employees of retail establishments under Section 5.110.320 to be fingerprinted for the purpose of receiving criminal history record information; and

WHEREAS, § 43.535, RSMo, regulates how municipalities, by local ordinance, may require the fingerprinting of applicants or licensees in specified occupations; and

WHEREAS, the City Council desires to establish and adopt provisions that allow for the continued use of fingerprints in checking the criminal history of applicants for certain business licenses and their employees according to § 43.535, RSMo.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

Section 1. A new Section 5.100.200 to Chapter 100 is hereby added to Title V of the Code of Ordinances for the City of Gladstone, Missouri to read as follows:

Sec. 5.100.200. Use of Fingerprints.

This Section is enacted pursuant to Chapter 43, Section 43.535 RSMo., to regulate the issuance of licenses for Adult Business owners, managers, servers, or entertainer as Adult Businesses under Section 5.115.060, applicants for Class A and Class D licenses under Section 5.110.190, and employees of retail establishments under Section 5.110.320 within the City of Gladstone, Missouri.

An applicant or employee seeking to engage in the operation of an Adult Business or acting as a manager, server or entertainer at an Adult Business under Section 5.115.060, applicants for Class A and Class D licenses under Section 5.110.090, and employees of retail establishments under Section 5.110.320 shall submit his/her fingerprints to the Missouri State Highway Patrol, Criminal Justice Information Services (CJIS) Division, along with appropriate fees. The Missouri State Highway Patrol, CJIS Division will compare the subject's fingerprints against its criminal file and, if necessary, submit the fingerprints to the Federal Bureau of Investigation for comparison with national criminal history records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, CJIS Division, which will disseminate the state and national results to the City of Gladstone.

The City of Gladstone shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, the City of Gladstone will decide whether the subject of record has been convicted of or if they are 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) enumerate disqualifiers in the applicable sections of the Gladstone Municipal Code.

The subject of record may require and receive a copy of his/her criminal history record information from the City of Gladstone. 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 2. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.


Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 9TH DAY OF MAY, 2016.



Jean B. Moore, Mayor

ATTEST:



Ruth E. Bocchino, City Clerk

First Reading: May 9, 2016

Second Reading: May 9, 2016

Memo

To: Scott C. Wingerson, City Manager

From: Chief Michael J. Hasty, Director of Public Safety *MJH*

CC: Chris Williams, City Attorney
Deputy Chief Robert M. Baer, Police Field Services Division Commander
Captain Jeffrey R. Self, Investigations Division Commander
Division Chief Sean Daugherty, Fire/EMS Division Commander
Captain Robert Hays, Support Services Division Commander
Ruth Bocchino, City Clerk

Date: May 4, 2016

Re: CRIMINAL RECORDS CHECK IN LICENSE/PERMIT PROCESSES

The Department of Public Safety obtains fingerprints from applicants for adult business licenses, liquor licenses, and alcohol dispensing permits pursuant to city ordinance. The fingerprints are submitted to the Missouri State Highway Patrol (MSHP) for the required background check on each applicant. This process has been in place since the adoption of the original ordinances regulating the sale of alcohol and adult businesses. The department submits the fingerprints to the Missouri State Highway Patrol using the "Originating Agency Identifier" (ORI) number assigned to our department as a law enforcement agency by the Federal Bureau of Investigation (FBI). This ORI is also used for submitting arrest information to the MSHP/FBI and when criminal background checks are conducted for criminal justice purposes.

Recently, the Missouri State Highway Patrol Criminal Justice Information Services (CJIS) notified our department they will no longer allow us to submit fingerprints for the purposes of a criminal records check for noncriminal justice related purposes (adult business licenses, liquor licenses, and alcohol dispensing permits) using our assigned ORI, as the use of this is restricted to criminal justice purposes only. Linda S. Lueckenhoff, MSHP CJIS Auditor, was consulted and advised our department will be required to submit a request for a "noncriminal" ORI number in order to submit fingerprints for criminal records checks on noncriminal justice licensing. I submitted a letter to Captain Larry W. Plunkett, Jr., Director of CJIS, requesting a "non-criminal" ORI for our department (attached).

Ms. Lueckenhoff also advised our ordinances requiring fingerprint background checks require more specific language to meet the qualifications for a "noncriminal" ORI. I submitted the information to City Attorney Chris Williams, who had an ordinance prepared to address this matter. The ordinance

is required to obtain the "non-criminal" ORI requested from the Missouri State Highway Patrol. This ordinance has been placed on the Monday, May 9, 2016, City Council Meeting Agenda. Please advise if you have any questions or require any further information.



Gladstone Department of Public Safety

An Internationally Accredited Agency



Chief Michael J. Hasty

April 18, 2016

Captain Larry W. Plunkett, Jr., Director
Criminal Justice Information Services Division
Missouri State Highway Patrol
P.O. Box 9500
Jefferson City, MO 65102-9500

Re: Request for Originating Agency Identifier (ORI)

Dear Captain Plunkett,

The Gladstone Department of Public Safety requests an Originating Agency Identifier (ORI) for use when fingerprinting applicants for managing officers and assistant managing officers for business liquor licenses, applicants for liquor dispensing/server permits, applicants for adult business licenses, and applicants for positions of managers, servers or entertainers at adult businesses within the City of Gladstone as authorized in section 43.535 RSMo.

It is our understanding that with the submission of fingerprints and pursuant to the authority in state statute, state and national background checks are authorized. Upon approval, we ask the background check results be forwarded to the attention of:

Sergeant Stefan Smith, Records Unit Supervisor
Gladstone Department of Public Safety
7010 N. Holmes
Gladstone, MO 64118
(816) 423-4034

Thank you for your assistance with this request. Should you have any questions, please do not hesitate to give me a call.

Sincerely,

Chief Michael J. Hasty
Director of Public Safety