

BILL NO.

ORDINANCE NO. 2010-01

AN ORDINANCE ALLOWING MCDONALD COUNTY, MISSOURI TO OBTAIN
COMPLETE CRIMINAL HISTORY BACKGROUND CHECKS ON JOB
APPLICANTS FROM THE HIGHWAY PATROL.

WHEREAS, the Missouri General Assembly passed and the Governor signed, House Bill 353 on August 28, 2005, which was codified as part of the Missouri Revised Statutes as Section 43.535; and

WHEREAS, Section 43.535 allows county governments to obtain complete criminal history background checks on job applicants from the highway patrol.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF MCDONALD COUNTY AS FOLLOWS:

Section 1. This ordinance is enacted pursuant to 43.535 RSMo to allow McDonald County to have performed a Missouri criminal record review for only open records through the MULES system for the purpose of hiring of employees.

Section 2. State and national criminal background search of persons seeking employment with McDonald County.

A. An applicant, employee, or volunteer seeking to engage in employment with McDonald County (the "County") shall submit a set of his/her fingerprints taken by the McDonald County Sheriff's Department, along with appropriate fees. Such fingerprints shall either be submitted on forms approved by the Missouri State Highway Patrol or shall be submitted digitally.

B. Upon receipt of the fingerprints and the appropriate fees, the County will transmit both sets of fingerprints and appropriate fees (unless a satisfactory billing arrangement has been entered into between the county and the state identification bureau or unless the fingerprints are submitted digitally) to the Missouri State Highway Patrol or its designated State identification agency. The Missouri State Highway Patrol will compare the subject's fingerprints against its criminal file and, if no disqualifying conduct is found therein, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, which will disseminate the state and national results to the McDonald County Sheriff's Department.

C. The McDonald County Sheriff's Department shall render a fitness determination based upon the results of the criminal background check and communicate its fitness in capacity to fulfill the requirements of the job applied for, to the County Clerk.

D. In rendering a fitness determination, the McDonald County Sheriff's Department

will decide whether the record subject has been convicted of (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) any other any felony or misdemeanor relating to misappropriation of funds or moral turpitude.

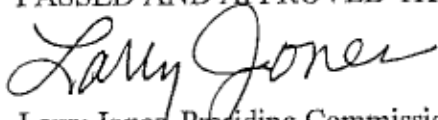
E. A record subject may request and receive a copy of his/her criminal history record information from the County Clerk. Should the record subject seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the County Commission.

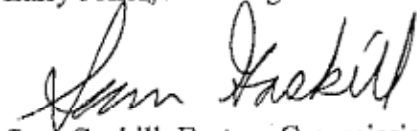
Section 3. All criminal history information shall be confidential and shall not be used for any purpose beyond that purpose stated in this ordinance. Any disclosures beyond that scope shall be punished as provided by law.

Section 4. A copy of this ordinance must be forwarded for approval to the Missouri State Highway Patrol prior to the submission of fingerprints to the central repository.

PASSED AND APPROVED THIS 3rd DAY OF March, 2010.



Larry Jones, Presiding Commissioner



Sam Gaskill, Eastern Commissioner



Ronnie Walker, Western Commissioner

ATTEST:



Barbara Williams, McDonald County Clerk

A copy of this ordinance must be sent to:
Missouri State Highway Patrol 1510 East
Elm Street PO Box 9500 Jefferson City,
Mo 65102-9500 Attn: Access Integrity