

Missouri's Charge Code Manual



August 2013 - August 2014

www.mshp.dps.mo.gov

Published By The Missouri State Highway Patrol In Conjunction With The Office Of State Courts Administrator. SHP-179 K 7/2013

By: Heather Elder
12-12-2013

THE HISTORY OF THE MISSOURI CHARGE CODE



- The Missouri Charge Code is a number assigned for every criminal offense which includes felonies, misdemeanors and infractions. This number is what is used to track an offense from arrest to prosecution to disposition. The charge code is how a person's criminal history is reported. All law enforcement, prosecutors, courts and corrections use the same number from beginning to end of the offense for continuity. If a charge is amended during the process, a new charge code could also be assigned, but the existing code stays with the perpetrator for a complete history of what occurred. This is necessary for public safety and officer safety
- The first Charge Codes were used in 1979. In 1982, the first ad hoc committee came together to form an 8-digit uniform code to be used statewide in the publication of a Charge Code Manual put together by the Missouri State Highway Patrol, with the approval of the Missouri Supreme Court. These codes were designed and implemented by a wide range of members of the following groups:
- Our goal is to design a new format which will be easy to use, include all relevant parts that apply to all or some of the criminal justice entities that rely on it, **and** will be a permanent solution.

1982: The Current Charge Code Schema



- The first official Charge Code Manual, with an 8-digit numerical code, was produced in August of 1982 in a collaborative effort involving the following agencies:
- REJIS,
- St. Louis Metropolitan Police Department,
- Kansas City Police Department,
- Missouri State Highway Patrol,
- Missouri Supreme Court,
- Department of Public Safety,
- Division of Corrections,
- Division of Probation and Parole
- Missouri Department of Revenue.



The Proposal of the new Missouri Charge Code



- After the Highway Patrol's in-house meetings in 2013 to develop an improved proposed code, the Patrol, along with the Charge Code Committee, held a statewide informational meeting at the Patrol Headquarters, to introduce the new proposed code and to gain insight and new ideas from ALL state agencies affected.
- There were many good ideas and questions, but overall, all state agencies agreed on the new code. We wanted to do this to make certain that all agencies who would be affected by the new code understood it and saw its relevance. It was universally accepted, with the only concern being the timeline of implementation. All agencies widely accept the implementation of January 1, 2016.

Statute Governing the Publication and Use of the Charge Code Manual



Missouri Charge Code - Definitions.

43.500. As used in sections 43.500 to 43.543, the following terms mean:

(7) "Missouri charge code", a unique number assigned by the office of state courts administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the complete charge code shall consist of digits assigned by the office of state courts administrator, the two-digit national crime information center modifiers and a single digit designating attempt, accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that are not using the statewide court automation case management pursuant to section 476.055; the effective date will be as soon thereafter as economically feasible for all other courts;

Missouri Revised Statutes

Chapter 43, State Section 43.503



- **Arrest, charge and disposition of misdemeanors and felonies to be sent to highway patrol**
- 43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge codes, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.543.

Continued - Missouri Revised Statutes
Chapter 43 - State Section 43.503



2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photographs, and if available, any other unique biometric identification collected, charges, the appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the Highway Patrol or electronically in a format and manner approved by the Highway Patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution....

The Current Charge Code Committee



- Lt. Steven Frisbie: Steven.Frisbie@mshp.dps.mo.gov
- Heather Elder: Heather.Elder@mshp.dps.mo.gov
- Kelly Cramer: Kelly.Cramer@courts.mo.gov
- Cathy Zacharias: Cathy.Zacharias@courts.mo.gov
- Ben. Miller: Ben.Miller@mops.mo.gov
- Kerry Creach: Kerry.Creach@mshp.dps.mo.gov
- Hon. Deborah Daniels: deborah.daniels@courts.mo.gov

Current Charge Code Committee



- The current Charge Code Committee meets four times a year to review new legislation that requires the assignment of new codes, revise codes that have had minor wording changes, and retire codes. The committee consists of members of the Missouri Office of Prosecution Services, the Missouri State Highway Patrol, Office of State Courts Administrator, including judges, prosecutors, officers and civilian specialists.

- This Committee meets quarterly to review all new bills and requests for new, revised or retired charge codes. OSCA assigns the numbers to the new bills, and the Highway Patrol publishes the Charge Code Manual. The OSCA State Judicial Records Committee gives final approval to all Charge Codes before they are made public.

Additional Duties of the Charge Code Committee



- Once all Charge Codes are approved, the State Judicial Records Committee will review the new laws and approve the assignment of the codes. When this is completed, the Missouri State Highway Patrol's Charge Code Specialist will compile and publish the Missouri Charge Code Manual in hard copy form, CD format, and in an on-line version.
- These manuals and all new charge code information is then distributed by the Highway Patrol to all law enforcement officers, agencies, Prosecutors, Courts, Court Clerks, and any other entity who has use for them. Each quarterly revision manual is also distributed by the State Highway Patrol so that law enforcement agencies have the most up-to-date information as charge codes change often throughout the year based on legislative action.

The Life Cycle of a Missouri Charge Code



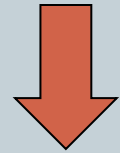
Members of the Charge Code Committee closely track legislative bills throughout the session to determine which new bills may require charge codes, revisions or retirement.



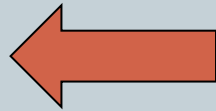
Bill becomes law, Truly Agreed and Finally Passed, and signed by Governor.



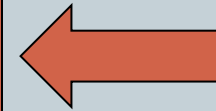
Law contains language which requires a Charge Code. Charge Code Committee meets to assign, revise or retire codes.



Manual is published and distributed by the Patrol to law enforcement agencies statewide.



Official codes are sent to the Highway Patrol for addition of modifiers.



State Judicial Records Committee gives final approval for code.

The Need for the new Charge Code



- Missouri's legislature is a very active legislature, full of State Representatives and Senators who pare over potential laws and enact meaningful bills each year. Because of this high level of hard work, the Charge Code Committee works hard to assign, revise and retire codes every year. We currently have 2,642 active charge codes and 1,429 retired charge codes. During 2013 alone, officers and agencies used 1,082 of the active charge codes which shows that almost all laws and charge codes are necessary and used by law enforcement to keep Missourians safe. Overall, law enforcement has used 2,173 of the existing 2,642 charge codes since their inception.
- Because of this high activity, we will run out of Charge Code combinations within the next two normal legislative sessions. However, the revision of the Criminal Code expedites this process as it will add many new charge codes with the implementation of a new class of felonies and misdemeanors. This is the reason that the Patrol took the proactive approach to begin the Charge Code conversion now.

Current Charge Code (8 digits)

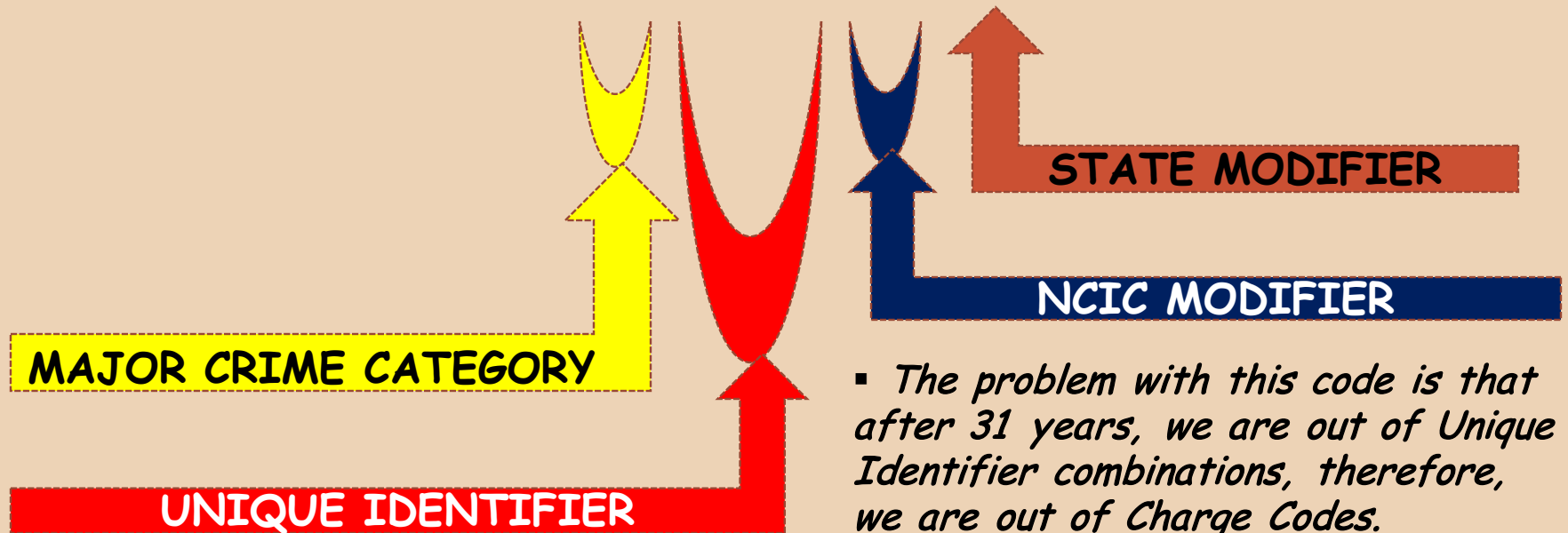
(example: Possession of Controlled Substance)



Statute 195.202 Class C Felony

MO Charge Code Number:

3245299.0



- *The problem with this code is that after 31 years, we are out of Unique Identifier combinations, therefore, we are out of Charge Codes.*

Issues:



- We have nearly depleted the current charge code combinations available. In fact, some major categories have already run out of codes.
- No matter the make-up of the new charge code format, there will be changes that will need to be made to all electronic systems that utilize the codes.
- There is a strong possibility that the Crime Bill will pass this legislative session. The passage of this legislation will expedite the need to implement a new charge code format.



Decoding The New Charge Code Format

565.0201 - 001 Y 2013 11 99.1

All digits right of the dash will remain static. The statute to the left of the dash could change to any number of digits depending on the legislature. Therefore agencies should allow for possible future expansion to the statute.

The "-" is a place-holder for any unknown future expansion of the charge code format.

4-digit Year of Statute Creation - Retirement

Is this a Fingerprintable Offense
Y/N

This is the Assigned Unique Identifier for each violation of that specific statutory section.

NCIC Category

NCIC Modifier

State Modifier

Who uses each segment of the new Charge Code?

565.0201 - 001 Y 2013 11 99. 1

Every law enforcement entity has asked for the inclusion of the State Statute in the Charge Code, including law enforcement, prosecutors, courts, clerks and criminal history technicians. It begins the Charge Code Process and helps the next law enforcement entity know which direction to proceed following the arrest.

The "-" is a placeholder for possible future expansion of the state statute. It must be included so we don't have to redo the codes again.

This is the unique 3-digit identifier which will allow up to 999 different charge codes per statute. One statute right now has 73 different charge codes.

The Fingerprint Reportable Field (Y/N) is a useful law enforcement tool, requested by field officers.

The 4-digit year is a tool for all law enforcement entities to make certain they are using the most current charge code, and not a retired code. It will also enable us to never run out of charge codes.

The NCIC Major Category and NCIC Modifier Fields are required to be entered into MULES upon every arrest to set caution codes. They are also required by state and federal statute to be included in the charge code for funding and reporting purposes.

The State Modifier Code is required by State Statute to be included in the Charge Code.



Projected Timetable



The Patrol, as well as all agencies we have met with, agree with the January 1, 2016, implementation.

Summation --



- In summary, it has been a collaboration of hard work by all state agencies to come together and agree on the new charge code. With proper training and implementation, it will greatly enhance law enforcement's ability to do all aspects of its job in Missouri, again showing what a progressive, great, Show-Me State we really are.