

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 762, Page 1, in the Title, Line 3, by
2 deleting all of said line and inserting in lieu thereof the phrase "public safety."; and

3
4 Further amend said bill, Page 4, Section 610.100, Line 110, by inserting immediately after all of said
5 section the following:

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7 "610.140. 1. Notwithstanding any other provision of law and subject to the provisions of
8 this section, any person may apply to any court in which such person plead guilty or was found
9 guilty of any of the offenses specified in subsection 2 of this section for an order to expunge from all
10 official records all recordations of such arrest, plea, trial, or conviction. A person may apply to have
11 one or more offenses expunged so long as such person lists all the offenses he or she is seeking to
12 have expunged in the same petition and so long as all such offenses are eligible under subsection 2 of
13 this section.

14 2. The following offenses are eligible to be expunged when such offenses occurred within
15 the state of Missouri and were prosecuted under the jurisdiction of a Missouri municipal associate or
16 circuit court:

17 (1) All nonviolent crimes;

18 (2) Any [felony or] misdemeanor offense [of passing a bad check under 570.120,
19 fraudulently stopping payment of an instrument under 570.125, or fraudulent use of a credit device
20 or debit device under section 570.130]; and

21 [(2) Any misdemeanor offense of sections 569.065, 569.067, 569.090, subdivision (1) of
22 subsection 1 of section 569.120, sections 569.140, 569.145, 572.020, 574.020, or 574.075; or]

23 (3) [Any class B or C misdemeanor offense of section 574.010] All nonviolent drug
24 violations.

25 3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or
26 circuit attorneys, central state repositories of criminal records, or others who the petitioner has
27 reason to believe may possess the records subject to expungement for each of the offenses listed in
28 the petition. The court's order of expungement shall not affect any person or entity not named as a
29 defendant in the action.

30 4. The petition shall be dismissed if it does not include the following information:

31 (1) The petitioner's:

32 (a) Full name;

33 (b) Sex;

34 (c) Race;

35 (d) Driver's license number, if applicable; [and]

36 (e) Current address;

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1 (f) Date of birth; and

2 (g) Social Security number;

3 (2) Each offense charged against the petitioner for which the petitioner is requesting
4 expungement;

5 (3) The date the petitioner was arrested for each offense;

6 (4) The name of the county where the petitioner was arrested for each offense and if any of
7 the offenses occurred in a municipality, the name of the municipality for each offense;

8 (5) The name of the agency that arrested the petitioner for each offense;

9 (6) The case number and name of the court for each offense; and

10 (7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition for
11 expungement which will be forwarded to the central repository for the sole purpose of positively
12 identifying the petitioner.

13 5. The court may set a hearing on the matter no sooner than thirty days from the filing of the
14 petition and shall give reasonable notice of the hearing to each entity named in the petition. At the
15 hearing, the court may accept evidence and hear testimony on, and may consider, the following
16 criteria for each of the offenses listed in the petition for expungement:

17 (1) [It has been at least twenty years if the offense is a felony, or at least ten years if the
18 offense is a misdemeanor, municipal offense, or infraction, since the person making the application
19 completed:

20 (a) Any sentence of imprisonment; or

21 (b) Any period of probation or parole;

22 (2) The person has not been found guilty of a misdemeanor or felony, not including
23 violations of the traffic regulations provided under chapters 304 and 307, during the time period
24 specified for the underlying offense in subdivision (1) of this subsection;

25 (3) The person has paid any amount of restitution ordered by the court;

26 (4) The circumstances and behavior of the petitioner warrant the expungement; and

27 (5) The expungement is consistent with the public welfare] At least four years has elapsed
28 since the person making the application has completed:

29 (a) His or her imprisonment, if sentenced to jail or prison;

30 (b) His or her period of probation, if placed on probation; or

31 (c) His or her parole, if placed on parole; and

32 (2) The person has:

33 (a) Graduated from high school or has received a GED; and

34 (b) Graduated from an institution of higher education with at least an associate's degree or
35 maintains employment with the same employer for at least two consecutive years prior to filing the
36 petition for expungement;

37 (c) Completed seven hundred hours of community service; and

38 (d) Not been convicted of a misdemeanor or felony, or been placed on probation for a
39 misdemeanor or felony during the four-year period specified in subdivision (1) of this subsection.
40 For purposes of this paragraph, any moving traffic violations shall not be considered.

41 6. If the court determines at the conclusion of the hearing that such person meets all the
42 criteria set forth in subsection 5 of this section for each of the offenses listed in the petition for
43 expungement, the court [may] shall enter an order of expungement. A copy of the order shall be
44 provided to each entity named in the petition, and, upon receipt of the order, each entity shall destroy
45 any record in its possession relating to any offense listed in the petition. If destruction of the record
46 is not feasible because of the permanent nature of the record books, such record entries shall be
47 blacked out. Entries of a record ordered expunged shall be removed from all electronic files
48 maintained with the state of Missouri, except for the files of the court. The records and files

1 maintained in any administrative or court proceeding in a municipal, associate, or circuit court for
2 any offense ordered expunged under this section shall be confidential and only available to the
3 parties or by order of the court for good cause shown. The central repository shall request the
4 Federal Bureau of Investigation to expunge the records from its files.

5 7. The order shall not limit any of the petitioner's rights that were restricted as a collateral
6 consequence of such person's criminal record, and such rights shall be restored upon issuance of the
7 order of expungement. Except as otherwise provided under this section, the effect of such order
8 shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or
9 convictions as if such events had never taken place. No person as to whom such order has been
10 entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving
11 a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials,
12 convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall
13 be made for information relating to an expungement, except the petitioner shall disclose the
14 expunged offense to any court when asked or upon being charged with any subsequent offense. The
15 expunged offense may be considered a prior offense in determining a sentence to be imposed for any
16 subsequent offense that the person is found guilty of committing.

17 8. Notwithstanding the provisions of subsection 7 of this section to the contrary, a person
18 granted an expungement shall disclose any expunged offense when the disclosure of such
19 information is necessary to complete any application for:

20 (1) A license, certificate, or permit issued by this state to practice such individual's
21 profession;

22 (2) Any license issued under chapter 313; or

23 (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated
24 lottery, or any emergency services provider, including any law enforcement agency.

25 Notwithstanding any provision of law to the contrary, an expunged offense shall not be grounds for
26 automatic disqualification of an applicant, but may be a factor for denying employment, or a
27 professional license, certificate, or permit.

28 9. If the court determines that such person has not met the criteria for any of the offenses
29 listed in the petition for expungement, the court shall enter an order dismissing the petition. Any
30 person whose petition for expungement has been dismissed by the court for failure to meet the
31 criteria set forth in subsection 5 of this section may [not] refile [another] such petition [until a year
32 has passed since the date of filing for the previous] as soon as all criteria has been met for each of the
33 offenses listed in the petition.

34 10. A person may be granted more than one expungement under this section provided that no
35 person shall be granted more than one order of expungement from the same court. Nothing
36 contained in this section shall prevent the court from maintaining records to ensure that an individual
37 has only one petition for expungement granted by such court under this section."; and

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