

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 189, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "43.508. 1. Except as provided in subsection 2 of this section and notwithstanding any other
5 provision of law, prior to the dissemination of criminal history information to a noncriminal justice
6 agency, all information relating to a conviction, and the arrest, indictment, or other information
7 leading thereto, that is the subject of a court order for limited access as provided in section 610.078
8 or all information relating to a conviction or nonconviction final disposition, and the arrest,
9 indictment, or other information leading to the arrest or indictment, that is subject to a court order
10 for limited access as provided for in section 610.080 shall be omitted.

11 2. Subsection 1 of this section shall not apply if the request is made under a court order:

12 (1) In a case for child custody or protection from abuse; or

13 (2) By an employer against whom a claim of civil liability has been brought, as described
14 under section 610.088, for purposes of defending against a claim of civil liability.

15 3. Subsection 1 of this section shall not apply:

16 (1) To the verification of information provided by an applicant if federal law, including rules
17 and regulations promulgated by a self-regulatory organization that has been created under federal
18 law, requires the consideration of an applicant's criminal history for purposes of employment; or

19 (2) To the verification of information provided to the supreme court, or an entity of the
20 supreme court, in its capacity to govern the practice, procedure, and conduct of all courts, the
21 admission to the bar, the practice of law, the administration of all courts, and supervision of all
22 officers of the judicial branch."; and

23
24 Further amend said bill, Page 5, Section 313.220, Line 19, by inserting after all of said section and
25 line the following:

26
27 "610.078. 1. Subject to the exceptions in subsection 2 of this section and notwithstanding
28 any other provision of law, upon petition of a person who has been free from conviction for a period
29 of ten years for an offense punishable by one or more years in prison and has completed each court-
30 ordered financial obligation of the sentence, the court where the conviction occurred may enter an
31 order that criminal history record information maintained by a criminal justice agency pertaining to
32 a qualifying offense that carries a maximum penalty of no more than five years be disseminated only
33 to a criminal justice agency; upon its request, to the department of social services in the performance
34 of duties relating to children and youth; or as provided in subsections 2 and 3 of section 43.508.

35 2. An order for limited access under subsection 1 of this section shall not be granted for any
36 of the following:

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1 (1) A conviction for an offense punishable by more than two years in prison that is any of
2 the following or an attempt or a conspiracy or solicitation to commit any of the following:

3 (a) An offense involving murder or manslaughter, infanticide, assault, or kidnapping under
4 chapter 565;

5 (b) Any offense under chapter 566;

6 (c) An offense of bigamy, incest, endangering the welfare of a child, or trafficking in
7 children under chapter 568; or

8 (d) An offense involving a firearm or other dangerous weapon under chapter 571; or

9 (2) An individual who:

10 (a) Has been convicted of murder, any felony in the first degree, or an offense punishable by
11 imprisonment of twenty years or more;

12 (b) Has been convicted within the previous twenty years of:

13 a. A felony or an offense punishable by imprisonment of seven or more years involving:

14 (i) An offense involving murder or manslaughter, infanticide, assault, or kidnapping under
15 chapter 565;

16 (ii) Any offense under chapter 566;

17 (iii) An offense of bigamy, incest, endangering the welfare of a child, or trafficking in
18 children under chapter 568; or

19 (iv) An offense involving a firearm or other dangerous weapon under chapter 571; or

20 b. Four or more offenses punishable by imprisonment of two or more years; or

21 (c) Has been convicted within the previous fifteen years of:

22 a. Two or more offenses punishable by more than two years in prison; or

23 b. Any sexual offense under chapter 566.

24 610.080. 1. The following shall be subject to limited access:

25 (1) Subject to the exceptions under section 610.082 or if a court has vacated an order for
26 limited access under section 610.084, criminal history record information pertaining to a conviction
27 of a nonviolent offense or a nonsexual offense if a person has been free from conviction for ten
28 years for any offense punishable by imprisonment of one or more years and if completion of each
29 court-ordered financial obligation of the sentence has occurred; or

30 (2) Criminal history record information pertaining to charges that resulted in a final
31 disposition other than a conviction.

32 2. (1) On a monthly basis, the Missouri office of state courts administrator shall transmit to
33 the Missouri state highway patrol's central repository the record of any conviction eligible for
34 limited access under subdivision (1) of subsection 1 of this section.

35 (2) The office of state courts administrator shall transmit to the Missouri state highway
36 patrol's central repository the record of charges subject to limited access under subdivision (2) of
37 subsection 1 of this section within thirty days after entry of the disposition and payment of each
38 court-ordered financial obligation.

39 (3) If the Missouri state highway patrol's central repository determines through a validation
40 process that a record transmitted is not eligible for limited access relief under subsection 1 of this
41 section or does not match data held in the central repository, the Missouri state highway patrol shall
42 notify the office of state courts administrator of such determination within thirty days of receiving
43 the information.

44 (4) Upon the expiration of the thirty-day period under subdivision (3) of this subsection, the
45 office of state courts administrator shall remove from the list of eligible records any record for
46 which the office of state courts administrator received a notification of ineligibility or nonmatch
47 with central repository data.

48 (5) Monthly, each court shall issue an order for limited access for any record in its judicial
49 circuit for which no notification of ineligibility was received by the office of state courts

1 administrator.

2 3. A criminal history record that is the subject of an order for limited access under this
3 section shall be made available to a noncriminal justice agency only as provided for in subsections 2
4 and 3 of section 43.508 or, upon request, to the department of social services in the performance of
5 duties relating to children and youth.

6 610.082. 1. Limited access to records under subdivision (1) of subsection 1 of section
7 610.080 shall not be granted for any of the following:

8 (1) A conviction for any of the following or an attempt, conspiracy, or solicitation to commit
9 any of the following:

10 (a) An offense involving murder or manslaughter, infanticide, assault, or kidnapping under
11 chapter 565;

12 (b) Any offense under chapter 566;

13 (c) An offense of bigamy, incest, endangering the welfare of a child, or trafficking in
14 children under chapter 568;

15 (d) An offense involving a firearm or other dangerous weapon under chapter 571; or

16 (e) An offense of animal abuse or neglect under chapter 578; or

17 (2) An individual who, at any time, has been convicted of:

18 (a) A felony;

19 (b) Two or more offenses punishable by imprisonment of more than two years; or

20 (c) Four or more offenses punishable by imprisonment of one or more years.

21 2. Limited access under this section shall not apply to an otherwise qualifying conviction if
22 a conviction for an offense punishable by imprisonment of five or more years or an offense
23 enumerated in subsection 1 of this section arose out of the same case.

24 3. Nothing in this section shall preclude the filing of a petition for limited access under
25 section 610.078 if limited access is available under that section.

26 610.084. 1. Upon petition of the prosecuting attorney to the court where a conviction
27 occurred, and with notice to the defendant and opportunity to be heard, the court shall vacate an
28 order for limited access granted under section 610.080 if the court determines that the order was
29 erroneously entered and not in accordance with section 610.080.

30 2. Upon conviction of a defendant of a misdemeanor or felony offense and upon a filing of a
31 motion by the prosecuting attorney, the court shall enter an order vacating any prior order for limited
32 access pertaining to a record of the defendant, except under subdivision (2) of subsection 1 of
33 section 610.080.

34 3. An order under subsection 1 or 2 of this section shall be transmitted to the central
35 repository of the Missouri state highway patrol.

36 610.086. 1. (1) Except if requested or required by a criminal justice agency, or if disclosure
37 to noncriminal justice agencies is authorized or required by section 43.508, an individual shall not
38 be required or requested to disclose information about the individual's criminal history record that
39 has been provided limited access under section 610.078 or section 610.080. An individual required
40 or requested to provide information in violation of this section may respond as if the offense did not
41 occur.

42 (2) This subsection shall not apply if federal law, including rules and regulations
43 promulgated by a self-regulatory organization that has been created under federal law, requires the
44 consideration of an applicant's criminal history for purposes of employment.

45 2. A record subject to limited access under section 610.078 or 610.080 shall not be
46 considered a conviction that would prohibit the employment of a person under any law of this state
47 or under federal laws that prohibit employment based on state convictions to the extent permitted by
48 federal law.

49 610.088. An employer who employs or otherwise engages an individual whose criminal

1 history record to which limited access has been applied under section 610.078 or 610.080 shall be
2 immune from liability for any claim arising out of the misconduct of the individual if the
3 misconduct relates to the portion of the criminal history record that has been provided limited
4 access.

5 610.090. The official records pertaining to a case in which limited access has been granted
6 under section 610.078 or 610.080 shall be considered closed records."; and

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