

HCS HB 189 -- CRIMINAL OFFENDERS (Toalson Reisch)

COMMITTEE OF ORIGIN: Special Committee on Criminal Justice

CLEAN SLATE

This bill specifies that, prior to releasing criminal history information to a noncriminal justice agency, certain information must be redacted, as specified in the bill.

The bill provides that an individual who has been free from a felony conviction for more than five years may petition the court where the conviction occurred, that access to his or her criminal record be limited as specified in the bill. The offense must have a maximum penalty of no more than five years.

There are specific convictions and certain individuals for which limited access to criminal records will not be granted. The bill establishes which types of records will be subject to limited access, and provides that, upon petition of a prosecuting attorney to the court where a conviction occurred, a court will vacate an order for limited access granted under these provisions if the court determines that the order was erroneously entered.

An individual will not be required or requested to disclose information about his or her criminal history record that has been provided limited access, subject to exceptions in the bill. This shall not apply if federal law requires the consideration of an applicant's criminal history for purposes of employment. A record subject to limited access under this bill will not be considered a conviction that would prohibit the employment of a person under any law that prohibits employment based on state convictions (Sections 43.508, 610.078, 610.082, 610.084, 610.086, 610.088 and 610.090, RSMo).

HEALTH BENEFITS OF OFFENDERS

Under this bill, MO HealthNet benefits shall be suspended, rather than canceled or terminated, for an offender entering a correctional facility or jail if the Department of Social Services is notified of the person's entry into the correctional center or jail, the person was currently enrolled in MO HealthNet, and the person is otherwise eligible for MO HealthNet benefits but for his or her incarcerated status. Upon release from incarceration, the suspension shall end and the person shall continue to be eligible for MO HealthNet benefits until such time as he or she is otherwise ineligible.

The Department of Corrections shall notify the Department of Social

Services within 20 days of receiving information that person receiving MO HealthNet benefits is or will become an offender in a correctional center or jail and within 45 days prior to the release of such person whose benefits have been suspended under this bill. City, county, and private jails shall notify the Department of Social Services within 10 days of receiving information that person receiving MO HealthNet benefits is or will become an offender in the jail (Sections 217.930 and 221.125).

#### SALE OF LIQUOR AND LOTTERY TICKETS

The bill also provides that the supervisor of liquor control shall not prohibit a person from participating in the sale of alcohol within the scope of his or her employment solely on the basis of being found guilty of a felony offense. The bill also repeals language requiring an employer that has a liquor license to report to the Division of Liquor Control within the Department of Public Safety the identity of any employee that has been convicted of a felony. Finally, the Missouri Gaming Commission will not prohibit a person from participating in the sale of lottery tickets solely on the basis of being found guilty of a criminal offense, but the person will not be eligible to be a licensed lottery game retailer (Sections 311.660 and 313.220).