

HB 1168 -- COURT-IMPOSED SENTENCES

SPONSOR: Chappell

This bill modifies several provisions relating to proceedings based on court-imposed sentences.

This bill prevents the parole board from providing a hearing, ordering release, or ordering parole of an offender until the offender has served the minimum term of the sentenced imposed.

This bill modifies the conditional release term of any sentence of imprisonment imposed under Chapter 557, RSMo to be no more than 15% of the sentence of imprisonment.

This bill requires offenders who were convicted of, or pled guilty to, certain felony offenses to now be subject to minimum prison term provisions referenced in the bill, and not eligible for parole, conditional release, or other early release by the Department unless they have successfully completed certain provisions, which are specified in the bill. Additionally, no provision of this portion of the bill shall be construed to prevent an offender from earning credits through the Department of Corrections while incarcerated for the purpose of increased privileges, reduction in security classification, or for any purpose other than the reduction of the imposed sentence.

The sentencing court, upon petition filed after serving at least 60% of one's sentence, may reduce any term of sentence or probation or a term of conditional release, provided that the court determines several conditions have been met.

Beginning on August 28, 2025, all records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court shall be closed in the manner established in the bill without the filing of a petition for certain cases, which are specified in the bill. However, this does not include expungement without petition of any records pertaining to juvenile adjudications or offenses involving the operation of a motor vehicle.

An individual may be granted more than one expungement provided that during their lifetime the total number of offenses, violations, or infractions for which expungement can be granted do not exceed the limits specified in the bill. The bill also specifies determinations for lifetime limits on expungement.

Beginning August 28, 2025, and on a monthly basis thereafter, the Office of State Courts Administrator shall identify and transmit to

the central repository all records of charges and convictions eligible for expungement under the provisions of this bill, except for records relating to ordinance violations or nonreportable offenses, within 30 days of the record becoming eligible for expungement without petition. Records eligible for expungement on or before August 28, 2023, shall be identified and expunged by August 28, 2026.

Any case with delinquent court costs, fines, fees, or other sums ordered by a court, except for restitution owed to a victim of a crime, shall not be expunged and shall not be considered by the Office of State Courts Administrator when determining expungement of a record without a petition under the provisions of this bill. The Office shall seek a setoff of any income tax refund and lottery prize payouts under Chapter 388 for all delinquent costs, fines, fees, or other sums ordered by a court relating to convictions that have been expunged under the provisions of this bill. If 30 days have passed without an objection from the central repository for one of the reasons set forth under this bill, the Office of State Courts Administrator shall transmit, within 15 days, all the records to be expunged, sorted by circuit, to the presiding judges of every circuit court.

Within 30 days of receiving a notice to expunge, the circuit court must issue orders for the expungement of all records maintained in the circuit, for which no notification of ineligibility was received by the Office of State Courts Administrator from the central repository unless the circuit court determines the record is, in fact, ineligible for expungement without petition. In determining if a record is ineligible for expungement without petition, the circuit court must notify the Office of State Courts Administrator in writing of said determination within 30 days and shall specify the associated reasons. On a monthly basis, each circuit court shall issue orders for expungement of all records of arrest, charge and conviction for ordinance violations, and nonfingerprintable offenses in the circuit that the court determines are eligible for expungement without petition. Also on a monthly basis, each circuit court must transmit copies of all orders for expungement to the Office of State Courts Administrator.

Once the records are expunged, the Office of State Courts Administrator shall provide notice to all state agencies maintaining official copies of the records, including, but not limited to, those described in the bill. The Office of State Courts Administrator shall create a digital access portal, featuring all orders of expungement issued under the provisions of this bill. Said portal must allow users to determine if an order for expungement without petition has been granted in a person's name, and the portal must employ measures to prevent any sort of

disclosure of any order to anyone other than the person for whom the order was issued.

Any court sentencing an individual for an offense that is not excluded from eligibility for expungement must notify the individual at the time of sentencing of the date in which the offender's conviction may become eligible for expungement, provided they are not convicted of any misdemeanor or felony, not including a traffic regulation violation, during the specified time period for the underlying offense(s).

Any probation or parole office releasing a person from supervision not excluded from eligibility shall notify the person, at the time of supervision is discharged, of the date when their record or records may become eligible for expungement, provided they are not convicted of any misdemeanor or felony, not including a traffic regulation violation, during the specified time period for the underlying offense(s).

Certain provisions of this bill apply retroactively to any arrest, charge, trial, and conviction, regardless of the date the arrest was made, the charge or charges were brought, the trial occurred, or the conviction was entered. Offenses expunged under the provisions of this bill will be reinstated by the court upon motion, if the court finds that the conviction was improperly expunged due to a lack of eligibility.

Beginning August 28, 2026, and on a yearly basis thereafter, the Office of State Courts Administrator must report to the Judiciary committees of both chambers of the General Assembly. The requirements of the reporting may be found in the bill.

A credit bureau may report arrest records, indictments pending trial, and convictions of crimes for no longer than seven years from the date of release or parole. Records of these shall no longer be reported if, at any time after a conviction, it is learned that a full pardon or expungement has been granted for that conviction, or at any time after an arrest or indictment, a conviction did not result.

Any credit bureau of user of information that willingly fails to comply with the requirements stipulated in this bill, or that is negligent in failing to comply, with respect to any consumer, is liable to that person in an amount equal to:

- (1) Any actual damages sustained by the consumer as a result;
- (2) Punitive damages, as the court may allow; and

(3) In the case of any successful action under the provisions of this bill, costs of said action and reasonable attorney's fees as determined by the court.

Injunctive relief shall be available to any consumer who is aggrieved by a violation or a threatened violation of these provisions, regardless of whether the consumer seeks any remedy. An employer who employs, or otherwise engages an individual whose criminal history record has been expunged, shall be immune from liability for any claim arising out of the individual's misconduct if said misconduct relates to the expunged portion of their criminal history record.

This bill creates the "Missouri Expungement Fund", which will consist of moneys deposited into the Fund from any source including, but not limited to: donations, gifts, grants, and bequests. The Department of Public Safety, the Information Technology Services Division within the Office of Administration, and the Office of State Courts Administrator shall expend moneys from the Fund, upon appropriation, only for one or more of the purposes specified in the bill.