

HB 1435 -- Expungement of Arrest Records

Sponsor: Johnson (61)

This bill requires the Director of the Office of State Public Defender to develop brochures, pamphlets, and other materials providing information on the state's expungement process, the types of violations and misdemeanors that can be expunged, and directions on how to contact the office for attorney referrals. The state or local law enforcement agency required to expunge arrest records will be allowed to charge the individual a fee equal to the cost of processing any court order to expunge. Convictions for municipal ordinance violations or misdemeanors may be expunged if the individual has no prior or subsequent felony convictions and at least five years have passed since the conviction or suspended imposition of sentence. Expungement of offenses including driving while intoxicated, driving with excessive blood-alcohol content, and certain misdemeanor offenses under Chapters 566, 567, 568, and 573, RSMo, will not be allowed. The bill requires the individual seeking expungement to name as defendants all entities whom the petitioner has reason to believe may possess the records to be expunged. The court is required to set a hearing for expungement no sooner than 90 days from the filing of the petition and grant the request unless one or more defendants file an objection to the expungement within 90 days of being notified of the expungement petition. A victim of identity theft will be allowed to have his or her name expunged from all records resulting from any arrests or convictions occurring in his or her name. The victim of any sexual offense under Chapter 566 may request the prosecuting attorney of the county in which the offense occurred to have the court records made confidential.