

FIRST REGULAR SESSION

# HOUSE BILL NO. 742

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES NASHEED (Sponsor), JOHNSON (61),  
WALTON AND HOSKINS (Co-sponsors).

Read 1st time February 5, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0746L.01I

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### AN ACT

To amend chapter 610, RSMo, by adding thereto one new section relating to expungement of certain criminal records.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 610, RSMo, is amended by adding thereto one new section, to be  
2 known as section 610.130, to read as follows:

**610.130. 1. Notwithstanding any other provision of law to the contrary and**  
2 **cumulative with any rights to expungement of criminal records, this section authorizes the**  
3 **sealing of criminal records of adults and minors prosecuted as adults.**

4 **2. The following offenses may be sealed:**

5 **(1) All municipal ordinance violations and misdemeanor offenses, with the**  
6 **following exceptions:**

7 **(a) Driving while intoxicated under section 577.010, RSMo;**

8 **(b) Driving with excessive blood alcohol content under section 577.012, RSMo;**

9 **(c) Any misdemeanor violation of chapter 566, RSMo;**

10 **(d) Any violation of an order or protection issued under chapter 455, RSMo;**

11 **(e) Any misdemeanor violation of section 578.030, RSMo;**

12 **(f) Any misdemeanor offense requiring registration under section 589.400, RSMo;**

13 **and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14           (g) Any municipal ordinance violation or misdemeanor offense committed by a  
15 holder of a commercial driver's license regardless of what type of vehicle the offense is  
16 committed in;

17           (2) Any misdemeanor violation or class D felony violation of the following:

18           (a) Prostitution under chapter 567, RSMo;

19           (b) Possession of marijuana; and

20           (c) Possession of a controlled substance under section 195.202, RSMo.

21           3. Records identified as sealable under subsection 2 of this section may be sealed  
22 when the individual was:

23           (1) Acquitted of the offense or offenses or released without being convicted;

24           (2) Convicted of the offense or offenses and the conviction or convictions were  
25 reversed;

26           (3) Placed on misdemeanor probation for an offense or offenses and:

27           (a) At least three years have elapsed since the completion of the probation or terms  
28 of probation, if more than one term has been ordered; and

29           (b) The individual has not been convicted of a felony or misdemeanor, or been  
30 placed on probation for a misdemeanor or felony during the three-year period specified  
31 in paragraph (a) of this subdivision;

32           (4) Convicted of an offense or offenses and:

33           (a) At least four years have elapsed since the last such conviction or term of  
34 sentence, probation, parole, or supervision, if any, whichever is later; and

35           (b) The individual has not been convicted of a felony or misdemeanor, or been  
36 placed on probation for a misdemeanor or felony during the four-year period specified in  
37 paragraph (a) of this subdivision.

38           4. A person shall not have any subsequent felony conviction records sealed if such  
39 person is convicted of any felony offense after the date of the sealing of prior felony records  
40 under this section.

41           5. Upon acquittal, release without conviction, or being placed on probation for a  
42 sealable offense, or upon conviction of a sealable offense, the court shall inform such  
43 person of the right to have the records sealed and the procedures for the sealing of the  
44 records under section 610.123.

45           6. Upon becoming eligible for the sealing of records under this section, the person  
46 seeking the sealing of his or her records shall file a petition in accordance with the same  
47 procedures established in section 610.123 for expungement of records. The clerk of the  
48 court may charge a fee equivalent to the cost associated with the sealing of records by the  
49 clerk.