

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 773, Page 26, Section 701.382, Line 3, by
2 inserting after all of said section and line the following:

3
4 "Section 1. All courts that require mandatory e-filing shall accept, file, and docket a notice of
5 entry of appearance filed by an attorney that was sent by fax or regular mail.

6 Section 2. 1. Notwithstanding any other provision of law and subject to the provisions of
7 this section, any person may apply to any court in a jurisdiction in which he or she was arrested for
8 any misdemeanor offense for an order to expunge from all official records all recordations of his or
9 her arrest for that offense. A person may apply to have one or more arrests expunged so long as such
10 person lists all the offenses he or she is seeking to have expunged in the same petition and so long as
11 all such offenses are a misdemeanor offense.

12 2. The court may order expungement under this section only when the arrest did not result in
13 a guilty plea, conviction, or finding of guilt.

14 3. If the court determines, after a hearing, that such person meets all the criteria set forth in
15 subsection 2 of this section for each of the offenses listed in the petition for expungement, the court
16 shall enter an order of expungement. If the court determines that such person has not met the criteria
17 for any of the offenses listed in the petition for expungement, the court shall enter an order
18 dismissing the petition. Any person whose petition for expungement has been dismissed by the court
19 for failure to meet the criteria set forth in subsection 2 of this section may refile such petition as soon
20 as all the criteria has been met for each of the offenses listed in the petition.

21 4. Upon granting of the order of expungement, the records and files maintained in any
22 administrative or court proceeding in an associate circuit or circuit court division of the circuit court
23 for any offense ordered expunged under this section shall be confidential and only available to the
24 parties or by order of the court for good cause shown. The effect of such order shall be to restore
25 such person to the status he or she occupied prior to such arrests and as if such events had never
26 taken place. No person as to whom such order has been entered shall be held thereafter under any
27 provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her
28 failure to recite or acknowledge such arrests or expungement in response to any inquiry made of him
29 or her for any purpose whatsoever and no such inquiry shall be made for information relating to an
30 expungement under this section.

31 5. Any person who wishes to have a record of arrests expunged under the provisions of this
32 section may file a verified petition for expungement in the civil division of the circuit court in any
33 county where at least one of the arrests occurred as provided in subsection 1 of this section. The
34 petition shall include the following information or shall be dismissed if the information is not given:

35 (1) The petitioner's:

36 (a) Full name;

Action Taken _____ Date _____

- 1 (b) Sex;
2 (c) Race;
3 (d) Driver's license number; and
4 (e) Address at the time of the arrest for each offense listed in the petition;
5 (2) Each arrest of the petitioner for which the petitioner is requesting expungement;
6 (3) The date the petitioner was arrested for each offense;
7 (4) The name of the county where the petitioner was arrested for each offense and if any of
8 the offenses occurred in a municipality, the name of the municipality for each offense;
9 (5) The name of the agency that arrested the petitioner for each offense;
10 (6) The case number and court for each offense;
11 (7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition for
12 expungement which will be forwarded to the central repository for the sole purpose of positively
13 identifying the petitioner.

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15 The petition shall be filed with a confidential case filing information sheet.

16 6. The petition shall name as defendants all law enforcement agencies, courts, prosecuting
17 attorneys, central state repositories of criminal records, or others who the petitioner has reason to
18 believe may possess the records subject to expungement for each of the offenses listed in the petition.
19 The court's order of expungement shall not affect any person or entity not named as a defendant in
20 the action.

21 7. The court shall set a hearing on the matter no sooner than thirty days from the filing of the
22 petition and shall give reasonable notice of the hearing to each official agency or other entity named
23 in the petition.

24 8. If the court finds that the petitioner is entitled to expungement, it shall enter an order
25 directing expungement. A copy of the order shall be provided to each agency identified in the
26 petition under the provisions of subsection 6 of this section.

27 9. The supreme court may promulgate rules establishing procedures for the handling of cases
28 filed under the provisions of this section. Such procedures shall be similar to the procedures
29 established in chapter 482, for the handling of small claims."; and

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