

HB 1382 -- EXPUNGEMENT OF JUVENILE RECORDS

SPONSOR: Peters

This bill specifies that any person may apply to a court in which the person was adjudicated delinquent for specified offenses for an order to expunge records of the arrest, detention, commitment to the division of youth services, or other disposition. A person may apply to have one or more offenses expunged so long as the person lists all the offenses he or she is seeking to have expunged in the same petition. The petition must name as defendants all law enforcement agencies, courts, juvenile officers, prosecuting or circuit attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses listed in the petition. The court's order of expungement must not affect any person or entity not named as a defendant in the action.

The petition must be dismissed if it does not include certain specified information. The court may set a hearing on the matter no sooner than thirty days from the filing of the petition and must give reasonable notice of the hearing to each entity named in the petition. At the hearing, the court may accept evidence and hear testimony on, and may consider, certain specified criteria for each of the offenses listed in the petition for expungement.

If the court determines at the conclusion of the hearing that the person meets all the specified criteria for each of the offenses listed in the petition for expungement, the court may enter an order of expungement. A copy of the order must be provided to each entity named in the petition, and, upon receipt of the order, each entity must destroy any record in its possession relating to any offense listed in the petition. If destruction of the record is not feasible because of the permanent nature of the record books, the record entries must be blacked out. Entries of a record ordered expunged must be removed from all electronic files maintained with the state of Missouri, except for the files of the juvenile office and the court.

The records and files maintained in any administrative or court proceeding in a municipal, associate, juvenile, family, or circuit court for any offense ordered expunged under these provisions must be confidential and only available to the parties or by order of the court for good cause shown. The central repository must request the Federal Bureau of Investigation to expunge the records from its files.

The order of expungement must not limit any of the petitioner's rights that were restricted as a collateral consequence of the

person's juvenile record, and the rights must be restored upon issuance of the order of expungement, and the effect of the order must be to restore the person to the status he or she occupied prior to the arrests, detentions, custodies, commitments, or other dispositions as if the events had never taken place.

The bill specifies that no person as to whom an order has been entered can be thereafter held, under any provision of law, to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge the arrests, detentions, custodies, commitments, or other dispositions, or expungement in response to an inquiry made of him or her and no inquiry must be made for information relating to an expungement, except the petitioner must disclose the expunged offense to any court when asked or upon being charged with any subsequent offense or upon being adjudicated for any subsequent offense.

The expunged offense may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing, and the bill specifies when a person granted an expungement must disclose any expunged offense.

If the court determines that the person has not met the criteria for any of the offenses listed in the petition for expungement, the court must enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in these provisions may not refile another petition until a year has passed since the date of filing for the previous petition. A person may be granted more than one expungement under these provisions provided that no person can be granted more than one order of expungement from the same court.

The court is authorized to maintain records to ensure that an individual has only one petition for expungement granted by that court.