

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 588,
2 603 & 942, Page 1, Section 488.650, Line 1, by deleting all of said line and inserting in lieu thereof
3 the following:

4
5 "488.650. There shall be assessed as costs a surcharge in the amount of [one] two hundred
6 fifty"; and

7
8 Further amend said bill, page and section, Line 3, by deleting the word "when" and inserting in lieu
9 thereof the word "if"; and

10
11 Further amend said bill and page, Section 610.140, Line 5, by deleting the number "10" and
12 inserting in lieu thereof the number "12"; and

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14 Further amend said bill, page and section, Line 6, by deleting the word "when" and inserting in lieu
15 thereof the word "if"; and

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17 Further amend said bill and section, Page 2, Line 14, by deleting the number "10" and inserting in
18 lieu thereof the number "12"; and

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20 Further amend said bill, page and section, Lines 32 and 33, by deleting all of said lines and inserting
21 in lieu thereof the following:

22
23 "(5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or
24 felony offense of kidnapping;"; and

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26 Further amend said bill, page and section, Line 36, by inserting immediately after the number
27 "389.653," the number "455.085,"; and

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29 Further amend said bill, page and section, Line 39, by inserting immediately after the number
30 "569.072," the number "569.100,"; and

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32 Further amend said bill, page, section, and line, by inserting immediately after the number
33 "570.025," the numbers "570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224,
34 570.310,"; and

35
36 Further amend said bill, page and section, Line 40, by inserting immediately after the number

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"574.070," the number "574.105"; and

Further amend said bill, page, section and line, by inserting immediately after the number "574.130," the number "575.040"; and

Further amend said bill, page and section, Lines 44 to 46, by deleting all of said lines and inserting in lieu thereof the following:

"(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; and

(10) Any violations of any state law or county or municipal ordinance regulating the"; and

Further amend said bill and section, Page 3, Lines 69 to 74, by deleting all of said lines and inserting in lieu thereof the following:

"municipality, the name of the municipality for each offense, violation, or infraction; and

(5) [The name of the agency that arrested the petitioner for each offense;

(6)] The case number and name of the court for each offense[; and

(7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition for expungement which will be forwarded to the central repository for the sole purpose of positively identifying the petitioner]."; and

Further amend said bill and section, Page 4, Line 87, by deleting all of said line and inserting in lieu thereof the following:

"(1) It has been at least [twenty] seven years if the offense is a felony, or at least [ten] three"; and

Further amend said bill, page, and section, Line 102, by inserting brackets around the word "and"; and

Further amend said bill, page, and section, Line 103, by inserting immediately after the number "(5)" the following:

"The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6)"; and

Further amend said bill, page, and section, Lines 106-111, by deleting all of said lines and inserting in lieu thereof the following:

"A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at

any hearing held under this section, and the court may make a determination based solely on such victim's testimony. The prosecuting attorney, circuit attorney, or municipal prosecuting attorney shall have the burden of proving that the petitioner does not meet the requirements of this section."; and

Further amend said bill, page and section, Line 112, by deleting all of said line and inserting in lieu thereof the following:

"6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines [at the conclusion of the hearing] that such person meets all"; and

Further amend said bill and section, Page 5, Line 129, by deleting all of said line and inserting in lieu thereof the following:

"[7.] 8. The order shall not limit any of the petitioner's rights that were restricted as a collateral"; and

Further amend said bill, page and section Line 140, by inserting immediately after the first occurrence of the word "offense" the following:

", violation, or infraction"; and

Further amend said bill, page and section, Line 142, by deleting all of said line and inserting in lieu thereof the following:

"[8.] 9. Notwithstanding the provisions of subsection [7] 8 of this section to the contrary, a person"; and

Further amend said bill, page and section, Line 147, by inserting immediately after the number "313" the phrase "or permit issued under chapter 571"; and

Further amend said bill and section, Pages 5 and 6, Lines 153 to 158, by deleting all of said lines and inserting in lieu thereof the following:

"12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this

subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

[9]. 10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that [such person] the petitioner has not met the criteria for"; and

Further amend said bill and section, Page 6, Line 164, by deleting all of said line and inserting in lieu thereof the following:

"[10.] 12. A person may be granted more than one expungement under this section provided"; and

Further amend said bill, page and section, Line 181, by deleting the number "11." and inserting in lieu thereof the number "13."; and

Further amend said bill, page and section, Lines 185 to 190, by deleting all of said lines from the bill; and

Further amend said bill and section, Page 7, Line 191, by deleting the number "13." and inserting in lieu thereof the number "14."; and

Further amend said bill, page and section, Lines 193 to 215, by deleting all of said lines; and

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