

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2191, Page 3, Section 568.040, Lines 50-83, by deleting all of said lines;
2 and

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4 Further amend said bill, Page 6, Section 568.040, Lines 50-83, by deleting all of said lines; and

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6 Further amend said bill and section, Page 7, Line 106, by inserting after all of said section and line
7 the following:

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9 " 610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this
10 section, any person may apply to any court in which such person was found guilty of any of the
11 offenses specified in subsection 2 of this section for an order to expunge recordings of such arrest,
12 plea, trial, or conviction. A person may apply to have one or more offenses expunged so long as
13 such person lists all the offenses he or she is seeking to have expunged in the same petition and so
14 long as all such offenses are eligible under subsection 2 of this section.

15 2. The following offenses are eligible to be expunged when such offenses occurred within
16 the state of Missouri and were prosecuted under the jurisdiction of a Missouri municipal associate or
17 circuit court:

18 (1) Any felony or misdemeanor offense of passing a bad check under 570.120, fraudulently
19 stopping payment of an instrument under 570.125, or fraudulent use of a credit device or debit
20 device under section 570.130;

21 (2) Any misdemeanor offense of sections 569.065, 569.067, 569.090, subdivision (1) of
22 subsection 1 of section 569.120, sections 569.140, 569.145, 572.020, 574.020, or 574.075; or

23 (3) Any class B or C misdemeanor offense of section 574.010.

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

29 4. The petition shall be dismissed if it does not include the following information:

30 (1) The petitioner's:

31 (a) Full name;

32 (b) Sex;

33 (c) Race;

34 (d) Driver's license number, if applicable; and

35 (e) Current address;

36 (2) Each offense charged against the petitioner for which the petitioner is requesting

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1 expungement;

2 (3) The date the petitioner was arrested for each offense;

3 (4) The name of the county where the petitioner was arrested for each offense and if any of
4 the offenses occurred in a municipality, the name of the municipality for each offense;

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

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

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

10 5. The court may set a hearing on the matter no sooner than thirty days from the filing of
11 the petition and shall give reasonable notice of the hearing to each entity named in the petition. At
12 the hearing, the court may accept evidence and hear testimony on, and may consider, the following
13 criteria for each of the offenses listed in the petition for expungement:

14 (1) It has been at least twenty years if the offense is a felony, or at least ten years if the
15 offense is a misdemeanor, municipal offense, or infraction, since the person making the application
16 completed:

17 (a) Any sentence of imprisonment; or

18 (b) Any period of probation or parole;

19 (2) The person has not been found guilty of a misdemeanor or felony, not including
20 violations of the traffic regulations provided under chapters 304 and 307, during the time period
21 specified for the underlying offense in subdivision (1) of this subsection;

22 (3) The person has paid any amount of restitution ordered by the court;

23 (4) The circumstances and behavior of the petitioner warrant the expungement; and

24 (5) The expungement is consistent with the public welfare.

25 6. If the court determines at the conclusion of the hearing that such person meets all the
26 criteria set forth in subsection 5 of this section for each of the offenses listed in the petition for
27 expungement, the court may enter an order of expungement. A copy of the order shall be provided
28 to each entity named in the petition, and, upon receipt of the order, each entity shall destroy any
29 record in its possession relating to any offense listed in the petition. If destruction of the record is
30 not feasible because of the permanent nature of the record books, such record entries shall be
31 blacked out. Entries of a record ordered expunged shall be removed from all electronic files
32 maintained with the state of Missouri, except for the files of the court. The records and files
33 maintained in any administrative or court proceeding in a municipal, associate, or circuit court for
34 any offense ordered expunged under this section shall be confidential and only available to the
35 parties or by order of the court for good cause shown. The central repository shall request the
36 Federal Bureau of Investigation to expunge the records from its files.

37 7. The order shall not limit any of the petitioner's rights that were restricted as a collateral
38 consequence of such person's criminal record, and such rights shall be restored upon issuance of the
39 order of expungement. Except as otherwise provided under this section, the effect of such order
40 shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or
41 convictions as if such events had never taken place. No person as to whom such order has been
42 entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise
43 giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas,
44 trials, convictions, or expungement in response to an inquiry made of him or her and no such
45 inquiry shall be made for information relating to an expungement, except the petitioner shall
46 disclose the expunged offense to any court when asked or upon being charged with any subsequent
47 offense. The expunged offense may be considered a prior offense in determining a sentence to be
48 imposed for any subsequent offense that the person is found guilty of committing.

1 8. Notwithstanding the provisions of subsection 7 of this section to the contrary, a person
 2 granted an expungement shall disclose any expunged offense when the disclosure of such
 3 information is necessary to complete any application for:

4 (1) A license, certificate, or permit issued by this state to practice such individual's
 5 profession;

6 (2) Any license issued under chapter 313; or

7 (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-
 8 operated lottery, or any emergency services provider, including any law enforcement agency.
 9

10 Notwithstanding any provision of law to the contrary, an expunged offense shall not be grounds for
 11 automatic disqualification of an applicant, but may be a factor for denying employment, or a
 12 professional license, certificate, or permit.

13 9. If the court determines that such person has not met the criteria for any of the offenses
 14 listed in the petition for expungement, the court shall enter an order dismissing the petition. Any
 15 person whose petition for expungement has been dismissed by the court for failure to meet the
 16 criteria set forth in subsection 5 of this section may not refile another petition until a year has passed
 17 since the date of filing for the previous petition.

18 10. A person may be granted more than one expungement under this section provided that
 19 no person shall be granted more than one order of expungement from the same court. Nothing
 20 contained in this section shall prevent the court from maintaining records to ensure that an
 21 individual has only one petition for expungement granted by such court under this section.

22 11. (1) After a period of not less than eight years, an individual who has pled guilty to or
 23 has been convicted of a first felony offense for criminal nonsupport under section 568.040 and who
 24 has successfully completed probation after a plea of guilty or was sentenced may petition the court
 25 for expungement of all official records all recordations of his or her arrest, plea, trial, or conviction.
 26 If the court determines after hearing that such person:

27 (a) Has not been convicted of any subsequent offense;

28 (b) Does not have any other felony pleas of guilt, findings of guilt or convictions;

29 (c) Is current on all child support obligations and has had no lapse in payment of all child
 30 support obligations during the eight-year period;

31 (d) Has paid off all arrearages; and

32 (e) Has no other criminal charges or administrative child support actions pending at the time
 33 of the hearing on the application for expungement with respect to all children subject to orders of
 34 payment of child support.

35
 36 the court shall enter an order of expungement. In addition, the court may consider successful
 37 completion of a criminal nonsupport courts program under section 478.1000, or any other
 38 circumstances or factors deemed relevant by the court.

39 (2) Upon granting the order of expungement, the records and files maintained in any court
 40 proceeding in an associate or circuit division of the circuit court under this section shall be
 41 confidential and only available to the parties or by order of the court for good cause shown.

42 (3) The effect of such order shall be to restore such person to the status he or she occupied
 43 prior to such arrest, plea or conviction, and as if such event had never taken place. No person for
 44 whom such order has been entered shall be held thereafter under any provision of any law to be
 45 guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or
 46 acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of
 47 him or her for any purpose whatsoever and no such inquiry shall be made for information relating to
 48 an expungement under this section.

1 (4) A person shall only be entitled to one expungement under this section. Nothing in this
2 section shall prevent the director of the department of social services from maintaining such records
3 as to ensure that an individual receives only one expungement under this section for the purpose of
4 informing the proper authorities of the contents of any record maintained under this section."; and

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6 Further amend said bill, Section 650.055, Page 9, Lines 74 and 76, by deleting the phrase "section
7 568.040" on said lines and inserting in lieu thereof the phrase "subsection 11 of section 610.140";
8 and

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10 Further amend said bill and section, Page 10, Lines 85 and 88, by deleting the phrase "section
11 568.040" on said lines and inserting in lieu thereof the phrase "subsection 11 of section 610.140";
12 and

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