

HCS HB 490 -- CRIMINAL NONSUPPORT

SPONSOR: May

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 3.

This bill defines the term "arrearage" and specifies that the arrearage must reflect any retroactive support ordered under a modification, any judgments entered by a court or any authorized agency, and any satisfactions of judgment filed by the custodial parent.

Currently, criminal nonsupport is a class E felony if the total arrearage is in excess of 12 monthly payments. The bill changes it to if the total arrearage is in excess of 24 monthly payments.

A person whose children were the subject of a child support order and the obligation of such person to make payments has been terminated, who has pled guilty to or been convicted of a felony offense for criminal nonsupport, and who has successfully completed probation after a plea of guilty or was sentenced may petition the court for expungement of all official records of his or her arrest, plea, trial, or conviction. The bill lays out the specific elements a court must find the petitioner has met before ordering expungement. An individual may request an expungement of his or her DNA records pursuant to these provisions.

If a court grants the order of expungement, the records and files maintained in any court proceeding in an associate circuit or circuit court for the offense ordered expunged will be confidential and only available to the parties or by the order of the court for good cause shown. An individual is only entitled to have one petition for expungement granted under these provisions.

The bill also changes these provisions in the newly revised criminal code that took effect January 1, 2017.

This bill is similar to HB 2191 (2016).

PROPONENTS: Supporters say that this would save the state money because Missouri is currently spending a lot of money housing people for child support-related issues. Once all the elements for expungement are satisfied, there would be no waiting period for criminal nonsupport. The purpose of this bill is to give mothers and fathers the opportunity to get a second chance.

Testifying for the bill was Representative May.

OPPONENTS: There was no opposition voiced to the committee.