

HB 2636 -- EXPUNGEMENT OF RECORDS

SPONSOR: Sharp (36)

This bill modifies provisions regarding the expungement of records. INFORMATION FROM THE MISSOURI CENTRAL REPOSITORY
Currently, the sheriff of any county or the City of St. Louis and judges of the circuit courts may make available to private entities responsible for probation supervision information obtained from the Missouri Central Repository. When the term of probation is completed or the information is no longer needed related to the probation, the records shall be returned to the court or destroyed (Sections 43.504 and 43.507, RSMo).

This bill specifies that, the sheriff of any county or the City of St. Louis and judges of the circuit courts may also make available to expungement clinics or legal aid organizations information obtained from the Missouri Central Repository.

Additionally, currently, all criminal history information in the possession or control of the Missouri Central Repository, except criminal intelligence and investigative information, may be made available to qualified persons and organizations for research, evaluative, and statistical purposes under certain written agreements for use of the information.

This bill adds that pro-bono clinics and legal aid organizations seeking to expunge criminal records of petitioners at no-charge, shall also have access to all criminal history information in the possession or control of the Missouri Central Repository, except for criminal intelligence and investigation. In this situation, pro-bono clinics and legal aid organizations shall not be subject to provisions provided in the bill regarding the deletion of uniquely identifiable criminal history information of individuals. EXPUNGEMENT OF CRIMINAL RECORDS

The bill specifies that, offenses, violations, or infractions are committed as part of the "same course of criminal conduct" for purposes of expungement petitions if the offenses, violations, or infractions:

- (1) Arose under the same criminal statute;
- (2) Involve conduct that is the substantial equivalent of any offense, violation, or infraction sought to be expunged; or
- (3) Occur within a time period suggesting a common connection between the offenses, not exceeding one year.

Currently, certain offenses, violations, and infractions are not eligible for expungement. This bill adds the offenses of forgery, defrauding secured creditors, and mortgage fraud as to the offenses that are eligible for expungement.

Additionally, this bill changes the provision regarding any offense of unlawful use of weapons as not eligible for expungement to any "felony" offense of unlawful use of weapons is not eligible.

This bill adds to the provisions regarding the evidence the court

may consider and hear. The bill specifies that, the court may hear testimony regarding violations of registration and licensing of motor vehicles, drivers' and commercial drivers' licenses, motor vehicle financial responsibility law, traffic regulations, and vehicle equipment regulations.

This bill repeals the provision that a court can make a determination at the hearing based solely on a victim's testimony. This bill provides that, starting on January 1, 2021, before the Missouri Central Repository releases a record to an individual or noncriminal justice agency, it shall extract from the record all notations of arrests, indictments, or other information relating to the initiation of criminal proceedings where:

- (1) Three years have elapsed from the date of arrest;
- (2) No disposition is indicated in the record; and
- (3) Nothing in the record indicates that proceedings seeking conviction remain pending.

Finally, currently, 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. This bill modifies the provision to include any person who has ever been arrested, charged, or convicted of a crime may answer "no" to an employer's inquiry (Section 610.140).

This bill is the same as SB 519 (2020).