

HCS HB 251 -- EXPUNGEMENT OF RECORDS

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 251.

Currently, closed records are available to law enforcement agencies for the issuance or renewal of a license, permit, certification, or registration of authority from the agency for watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm. This bill removes the access to closed records to law enforcement agencies as the availability of the records relates to persons seeking permits to purchase or possess a firearm.

The bill also adds Subdivision (4) of Subsection 1 of Section 571.030, RSMo, which is when a person exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner, to the offenses eligible for expungement.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this adds exhibiting any weapon in front of any person in an angry fashion to the offenses eligible for expungement. This fits with the other offenses that can be expunged. Currently, a person is not even eligible; this just makes you eligible for the hearing to determine expungement, and it does not automatically mean the offense is going to be expunged. Because exhibiting a firearm or any weapon in a domestic violence dispute and a drunk college kid doing it are two different events, and this is trying to distinguish between the two. This provides an opportunity for people to have convictions or arrests removed from their records in situations that they really should not have them on their records forever, affecting certain things in life like home loans and employment, etc.

Testifying for the bill were Representative Schroer; Susan Myers; Arnie C. Dienoff; American Civil Liberties Union of Missouri; and Tim Robbins, The Home Loan Expert.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the Prosecutors' Association has been working with prosecution clinics on a comprehensive reform legislation regarding expungement to present to the General Assembly. They would oppose removing large sections of the expungement statute to make some offenses eligible for expungement.

Testifying on the bill was Missouri Association of Prosecuting Attorneys, and the Missouri Office of Prosecution Services.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.