

HCS HB 902 -- EXPUNGEMENT

SPONSOR: Lovasco

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 11 to 0.

The following is a summary of the House Committee Substitute for HB 902.

Currently, an arrest record is eligible for expungement if the subject of the arrest has no prior or subsequent misdemeanor or felony convictions. This bill repeals that provision. Additionally, at least seven years for a felony and three years for a misdemeanor must have passed, at the time a petition for expungement is filed, from the date the petitioner completed any authorized disposition imposed for each offense sought for expungement. This bill reduces those time frames to three years for a felony and one year for a misdemeanor.

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 makes some changes to our expungement statute, including removing the provision that a person can't get anything expunged if they have a previous conviction (a prior or subsequent felony or misdemeanor conviction has no bearing on whether the record for a specific arrest or whatever should be expunged) and it requires that expunged records be destroyed rather than closed. The general premise of destroying records is that defendants believe that an expungement puts them back into a position they were in before. This is about people who have been wrongly accused of something; this isn't meant to address people who have been rehabilitated. So people who have been wrongly accused should be able to have their records destroyed. Otherwise they are out there on the Internet. An alarmingly large number of people in the country are affected by this because there are tons of people with arrest records.

Testifying for the bill were Representative Lovasco; Arnie C. Dienoff; American Civil Liberties Union of Missouri; and Meyer, McClamroch & Williams LLC.

OPPONENTS: Those who oppose the bill submitted written testimony, which can be found online.

Testifying against the bill was the 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.