



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 251</b>		DATE: <b>3/24/2021</b>	
COMMITTEE: <b>Judiciary</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>arniedienoff@yahoo.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/24/2021 12:55 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			
<b>I am in Support of this Bill.</b>			



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>MO DEL VILLAR</b>		PHONE NUMBER: <b>816-929-6166</b>	
REPRESENTING: <b>AMERICAN CIVIL LIBERTIES UNION OF MISSOURI</b>		TITLE:	
ADDRESS: <b>406 WEST 34TH STREET, SUITE 420</b>			
CITY: <b>KANSAS CITY</b>		STATE: <b>MO</b>	ZIP: <b>64111</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/24/2021 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SUSAN MYERS</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>susanmyers@socket.net</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/24/2021 1:51 PM</b>
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In support of HB 251 I'm someone who keeps her eye on all bills relating to firearms in general and an individual's right to keep and bear. While I'm not fully up to speed on the benefits/drawbacks of allowing expungement of records, I can see where a 'clean' record could allow for an individual to more easily move forward with their lives with regards to employment, housing, etc. When no harm to expunge would befall others, then this is an idea I can support. I will confess that when I first saw the offense this bill seeks to add to the list it gave me pause, as I wondered if an expungement would automatically allow someone who has shown this behavior to once again have the ability to own and/or purchase a firearm. Being 'pro-gun rights' as I am, I would also be the first to state that there are some whose behavior or mental status should limit or restrict access to firearms. So I did some quick research and found that the DOJ & FBI currently do not honor a Missouri expungement as a means to restore federal firearm rights. Where this would no doubt be an unfair outcome for many who have their records expunged, it does provide me with some comfort in knowing that it is not an automatic right to be restored. That said I also found this article from the Missouri Bar which suggests that the FBI's stance could potentially be challenged (portion of article shared below). This would give a citizen a legal path in which to attempt to regain their right to own and possess firearms. During such a challenge it would surely come to light whether or not the individual in question is one in which those rights should not be restored. Susan Myers Missouri State Director – The DC Project - Women for Gun Rights SWMO Chapter Leader - TAWW Shooting Chapters (The Well Armed Woman) The following pulled from MoBar.org article from Aug 2020 written by -Patrick Deaton "Do You Want to Own a Gun if the Expungement is Successful? Counsel should ask this question because clients are unlikely to volunteer that reason. To avoid a dissatisfied client, counsel should warn the client that an expunged felony conviction will still cause the client to fail a background check to own a firearm. The FBI, which operates the National Instant Criminal Background Check System, currently takes the position that an order of expungement in Missouri is not a true expungement in reliance on State of Wyoming ex rel. Crank v. United States, 539 F.3d 1236 (10th Cir. 2008).<sup>39</sup> According to that reasoning, a person with an expunged felony conviction will not pass the NICS check even if that expunged conviction is the person's only conviction. Someone will have to challenge the background check denial by filing a complaint for a declaratory judgment under 18 U.S.C. § 925A. If the plaintiff establishes that the denial was in error, the court may award attorney fees.<sup>40</sup> The FBI's reasoning may, however, be vulnerable to challenge. A federal statute provides that it is up to a state to determine the effect of its expungement order.<sup>41</sup> Subsection 610.140.8, quoted above, is evidence of the effect in Missouri. Furthermore, the Supreme Court of Missouri has stated in dictum that someone with an expunged felony conviction could not be charged with violating § 571.070.1, RSMo 2016, which makes it a crime for a felon to possess a firearm.<sup>42</sup> But the FBI will also rely on Van der hule, 759 F.3d 1043 (9th Cir. 2014) (restricting felon from concealing weapon he was otherwise permitted to carry was restriction on right to possess

firearms triggering “unless” clause in 18 U.S.C. § 921(a)(20).”



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>TIM ROBBINS</b>		PHONE NUMBER: <b>573-645-5912</b>	
REPRESENTING: <b>THE HOME LOAN EXPERT</b>		TITLE:	
ADDRESS:			
CITY:		STATE: <b>MO</b>	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/24/2021 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DARRELL L. MOORE</b>		PHONE NUMBER: <b>573-751-0619</b>	
REPRESENTING: <b>MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS, MISSOURI OFFICE OF PROSECUTION SERVICES</b>		TITLE:	
ADDRESS: <b>PO BOX 899, 200 MADISON STREET, SUITE 1060</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/24/2021 12:00 AM</b>	
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