



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 902		DATE: 3/31/2021	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com		ATTENDANCE: Written	SUBMIT DATE: 3/31/2021 5:54 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

I am in Support of this Bill. These Record Expungements are in need of changes to better the Person as Whole.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MO DEL VILLAR		PHONE NUMBER: 816-929-6166	
REPRESENTING: AMERICAN CIVIL LIBERTIES UNION OF MISSOURI		TITLE:	
ADDRESS: 406 WEST 34TH STREET, SUITE 420			
CITY: KANSAS CITY		STATE: MO	ZIP: 64111
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/31/2021 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: TOM ROBBINS		PHONE NUMBER: 573-645-5912	
REPRESENTING: MEYER, MCCLAMROCH & WILLIAMS LLC		TITLE:	
ADDRESS: 16141 SWINGLEY RIDGE ROAD, SUITE 110			
CITY: CHESTERFIELD		STATE: MO	ZIP: 63107
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/31/2021 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: DARRELL LEE MOORE		PHONE NUMBER: 573-751-0619	
REPRESENTING: MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS; MISSOURI OFFICE OF PROSECUTION SERVICES		TITLE: EXECUTIVE DIRECTOR	
ADDRESS: P.O. BOX 899, 200 MADISON STREET, SUITE 1060			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL: Darrell.Moore@prosecutors.mo.gov	ATTENDANCE: Written	SUBMIT DATE: 3/31/2021 12:20 PM	
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Testimony in Opposition to HB 902 By Darrell L. Moore, Executive Director, Mo. Association of Prosecuting Attorneys and Mo. Office of Prosecution Services. Mr. Chairman and members of the committee: I apologize for not being able to be present in person, but we are having our Spring Training Conference for the Missouri Association of Prosecuting Attorneys. We strongly oppose this bill for two reasons. First, as I testified on another bill last week, MAPA has been working with two of the state's major expungement clinics and others interested in what is known as Clean Slate legislation. We are committed to working together on a comprehensive reform proposal to submit to the General Assembly in a future session. In the meantime, we prefer little or no change of the existing expungement law, especially any efforts such as removing offenses currently ineligible for expungement or changing the expungement process. We are working together with Senator Brian Williams on a version of his SB 61 which would (1) grant expungement clinics access to the criminal history of individuals they are helping that are eligible for expungement, (2) reduce the court filing fee for filing an expungement petition and (3) reducing the time eligible individuals must wait before filing a petition. The expungement clinics say this immediate interim change would benefit many individuals who have completed their obligations, allowing them better opportunities at employment or better employment. This is the purpose of expungement, to allow persons who have been held responsible, successfully completed the requirements of their case and changed behavior to become law-abiding productive members of their communities. The proposed changes in HB 902 would contravene the purpose of the original bill- to give individuals an opportunity for a fresh start, not to facilitate continued criminal conduct. Second, HB 902 is not the result of any consultation with the expungement clinics or prosecutors and promotes radical change. The current expungement law went into effect on January 1, 2017, as part of implementation of changes to the criminal code. The changes to the criminal code, including the expungement provision, was the result of discussions among all interested parties (e.g., defense attorneys, expungement proponents, prosecutors) with the understanding that there would not be any significant changes for a few years. The only minor change in 2019 was to add a couple of criminal offenses as being eligible for expungement. HB 902 does two things that violate the agreement that was reached in implementing the current statute: (1) It repeals the provision that an arrest record is eligible for expungement if the subject of the arrest has no prior or subsequent misdemeanor or felony convictions. In essence, this provision allows a person to keep engaging in bad conduct knowing he or she can expunge all arrests in the future; and (2) it requires each entity to destroy any record listed in the order. Currently, when a court issues an order of expungement, each entity possessing records listed in the order is required to close any relevant record in its possession. The provision of closing the record instead of destroying it was designed for

the purposes stated in the rest of the statute. Namely, so that prosecutors and the courts can have access to that information for making decisions regarding possible charges/dispositions of future cases involving the defendant and determining whether the person is eligible for an expungement. See Section 610.140, RSMo. It is unclear from the wording of the proposed bill whether courts would be included as entities who had to destroy instead of closing records. We respectfully request that this committee not report out this bill.