

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 834, Page 12, Section 217.947, Line 9, by inserting after all of said section and line
3 the following:
4

5 "490.800. 1. Notwithstanding the sovereign immunity of the state, any individual who was
6 found guilty of a felony in a Missouri court and was later determined to be actually innocent of such
7 offense as a result of any evidentiary method except DNA profiling analysis may be paid restitution.
8 The individual may receive an amount of one hundred forty dollars per day for each day of
9 postconviction incarceration for the offense for which the individual is determined to be actually
10 innocent. The petition for the payment of such restitution shall be filed with the sentencing court.
11 For the purposes of this section, the term "actually innocent" shall mean:

12 (1) The individual was convicted of a felony for which a final order of release was entered
13 by the court;

14 (2) All appeals of the order of release have been exhausted;

15 (3) The individual was not serving any term of a sentence for any other offense concurrently
16 with the sentence for which he or she is determined to be actually innocent, unless such individual
17 was serving another concurrent sentence because his or her parole was revoked by a court or the
18 parole board in connection with the offense for which the person has been exonerated. Regardless
19 of whether any other basis may exist for the revocation of the person's probation or parole at the
20 time of conviction for the offense for which the person is later determined to be actually innocent,
21 when the court's or the parole board's sole stated reason for the revocation in its order is the
22 conviction for the offense for which the person is later determined to be actually innocent, such
23 order shall, for purposes of this section only, be conclusive evidence that the person's probation or
24 parole was revoked in connection with the offense for which the person has been exonerated; and

25 (4) The evidentiary method demonstrates the person's innocence of the offense for which the
26 person is in custody.

27
28 Any individual who receives restitution under this section shall not also receive restitution under
29 section 650.058 and shall be prohibited from seeking any civil redress from the state, its
30 departments and agencies, or any employee thereof, or any political subdivision or its employees.

Action Taken _____ Date _____

1 This section shall not be construed as a waiver of sovereign immunity for any purposes other than
2 the restitution provided for herein. The department of corrections shall determine the aggregate
3 amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal
4 year to pay restitution to such persons, the department shall pay each individual who has received an
5 order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys
6 are appropriated to the department, the amounts owed to such individual shall be paid on June
7 thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been
8 paid in full. No individual awarded restitution under this subsection shall receive more than fifty-
9 one thousand one hundred dollars during each fiscal year. No interest on unpaid restitution shall be
10 awarded to the individual. No individual who has been determined by the court to be actually
11 innocent shall be responsible for the costs of care under section 217.831.

12 2. (1) In addition to restitution paid under subsection 1 of this section, an individual shall be
13 entitled to receive tuition assistance under section 506.403.

14 (2) In addition to restitution paid under subsection 1 of this section, an individual may also
15 be awarded other nonmonetary relief including, but not limited to, counseling, housing assistance,
16 and personal financial literacy assistance, as appropriate.

17 3. A petition for payment of restitution under this section may be filed only by the
18 individual determined to be actually innocent or the individual's legal guardian. No claim or
19 petition for restitution under this section may be filed by the individual's heirs or assigns. An
20 individual may designate an immediate relative as a beneficiary to continue to receive restitution
21 under this section upon the individual's death.

22 4. (1) An individual who is determined to be actually innocent of an offense under this
23 section shall automatically be granted an order of expungement from the court in which he or she
24 pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest,
25 plea, trial, or conviction and all associated biological samples and biometric data. Upon the court's
26 granting the order of expungement, the records and files maintained in any administrative or court
27 proceeding in an associate or circuit division of the court shall be destroyed. The effect of such
28 order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or
29 conviction and as if such event had never taken place. No person as to whom such order has been
30 entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise
31 giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea,
32 trial, conviction, or expungement in response to any inquiry made of him or her for any purpose
33 whatsoever, and no such inquiry shall be made for information relating to an expungement under
34 this section.

35 (2) The court shall direct the Missouri state highway patrol to destroy such records, samples,
36 and data. The Missouri state highway patrol shall carry out such order and shall notify the Federal
37 Bureau of Investigation, the department of corrections, and any other criminal justice agency that
38 may have a record of the conviction and arrest.

39 506.403. 1. Any individual awarded tuition assistance under section 490.800 or 650.058

1 shall receive a waiver of tuition and required fees for attendance at a public institution of higher
 2 education for up to one hundred twenty credit hours. Such individual may attend a public institution
 3 of higher education either full-time or part-time.

4 2. (1) Subject to appropriations, the department of higher education may make expenditures
 5 to reimburse each individual awarded tuition assistance under section 490.800 or 650.058 who is
 6 enrolled in a public institution of higher education for additional fees including, but not limited to,
 7 fees for room and board, technical equipment, and course-required books.

8 (2) No public institution of higher education shall delay enrollment of an individual who is
 9 awarded tuition assistance under section 490.800 or 650.058 because appropriations are not
 10 available for any additional fees provided to such individual.

11 3. To remain eligible for the tuition and fees waiver under this section, an individual shall
 12 remain in good standing at the public institution of higher education where the individual is
 13 enrolled.

14 4. Individuals shall provide a written or electronic copy of the court order awarding relief in
 15 the form of tuition assistance to the public institution of higher education or the department of
 16 higher education.

17 5. The department of higher education shall adopt rules and regulations to administer the
 18 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
 19 that is created under the authority delegated in this section shall become effective only if it complies
 20 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 21 section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
 22 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 23 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 24 adopted after August 28, 2022, shall be invalid and void."; and

25
 26 Further amend said bill, Page 19, Section 589.565, Line 19, by inserting after all of said section and
 27 line the following:
 28

29 "650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was
 30 found guilty of a felony in a Missouri court and was later determined to be actually innocent of such
 31 crime solely as a result of DNA profiling analysis may be paid restitution. The individual may
 32 receive an amount of one hundred forty dollars per day for each day of postconviction incarceration
 33 for the crime for which the individual is determined to be actually innocent. The petition for the
 34 payment of said restitution shall be filed with the sentencing court. For the purposes of this section,
 35 the term "actually innocent" shall mean:

36 (1) The individual was convicted of a felony for which a final order of release was entered
 37 by the court;

38 (2) All appeals of the order of release have been exhausted;

39 (3) The individual was not serving any term of a sentence for any other crime concurrently
 40 with the sentence for which he or she is determined to be actually innocent, unless such individual
 41 was serving another concurrent sentence because his or her parole was revoked by a court or the

1 parole board in connection with the crime for which the person has been exonerated. Regardless of
 2 whether any other basis may exist for the revocation of the person's probation or parole at the time
 3 of conviction for the crime for which the person is later determined to be actually innocent, when
 4 the court's or the parole board's sole stated reason for the revocation in its order is the conviction for
 5 the crime for which the person is later determined to be actually innocent, such order shall, for
 6 purposes of this section only, be conclusive evidence that ~~[their]~~ the person's probation or parole was
 7 revoked in connection with the crime for which the person has been exonerated; and

8 (4) Testing ordered under section 547.035, or testing by the order of any state or federal
 9 court, if such person was exonerated on or before August 28, 2004, or testing ordered under section
 10 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's
 11 innocence of the crime for which the person is in custody.

12
 13 Any individual who receives restitution under this section shall be prohibited from seeking any civil
 14 redress from the state, its departments and agencies, or any employee thereof, or any political
 15 subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity
 16 for any purposes other than the restitution provided for herein. The department of corrections shall
 17 determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are
 18 appropriated each fiscal year to pay restitution to such persons, the department shall pay each
 19 individual who has received an order awarding restitution a pro rata share of the amount
 20 appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to
 21 such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the
 22 restitution to the individual has been paid in full. However, no individual awarded restitution under
 23 this subsection shall receive more than ~~[thirty-six thousand five]~~ fifty-one thousand one hundred
 24 dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual.
 25 No individual who has been determined by the court to be actually innocent shall be responsible for
 26 the costs of care under section 217.831.

27 2. (1) In addition to restitution paid under subsection 1 of this section, an individual shall be
 28 entitled to receive tuition assistance under section 506.403.

29 (2) In addition to restitution paid under subsection 1 of this section, an individual may also
 30 be awarded other nonmonetary relief including, but not limited to, counseling, housing assistance,
 31 and personal financial literacy assistance, as appropriate.

32 ~~[2.]~~ 3. If the results of the DNA testing confirm the person's guilt, then the person filing for
 33 DNA testing under section 547.035, shall:

34 (1) Be liable for any reasonable costs incurred when conducting the DNA test, including but
 35 not limited to the cost of the test. Such costs shall be determined by the court and shall be included
 36 in the findings of fact and conclusions of law made by the court; and

37 (2) Be sanctioned under the provisions of section 217.262.

38 ~~[3.]~~ 4. A petition for payment of restitution under this section may ~~[only]~~ be filed only by
 39 the individual determined to be actually innocent or the individual's legal guardian. No claim or

petition for restitution under this section may be filed by the individual's heirs or assigns. ~~[An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.]~~ An individual may designate an immediate relative as a beneficiary to continue to receive restitution under this section upon the individual's death.

[4.] 5. (1) An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction and all associated biological samples and biometric data. Upon the court's granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be ~~[confidential and only available to the parties or by order of the court for good cause shown]~~ destroyed. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section.

(2) The court shall direct the Missouri state highway patrol to destroy such records, samples, and data. The Missouri state highway patrol shall carry out such order and shall notify the Federal Bureau of Investigation, the department of corrections, and any other criminal justice agency that may have a record of the conviction and arrest.

6. Any individual who receives restitution under section 490.800 shall not also receive restitution under this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.