

FIRST REGULAR SESSION

HOUSE BILL NO. 852

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

1443H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 210.854, 454.435, 478.1000, 483.163, 568.040, and 650.055, RSMo, and to enact in lieu thereof three new sections relating to criminal nonsupport, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 210.854, 454.435, 478.1000, 483.163, 568.040, and 650.055, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 210.854, 454.435, and 650.055, to read as follows:

210.854. 1. In the event of the entry of a judgment or judgments of paternity and support, whether entered in one judgment or separately, a person against whom such a judgment or judgments have been entered may file a petition requesting a circuit court with jurisdiction over the subject child or children to set aside said judgment or judgments in the interests of justice and upon the grounds set forth in this section. Such a petition may be filed at any time prior to December 31, 2011. After that date, the petition shall be filed within two years of the entry of the original judgment of paternity and support or within two years of entry of the later judgment in the case of separate judgments of paternity and support and shall be filed in the county which entered the judgment or judgments of paternity and support. Any such petition shall be served upon the biological mother and any other legal guardian or custodian in the same manner provided for service of process in the rules of civil procedure. The child or children shall be made a party and shall have a guardian ad litem appointed for the child or children before any further proceedings are had. If the child or children are recipients of IV-D services as defined in subdivision (8) of section 454.460, the family support division shall also be made a party and shall be duly served.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 2. The petition shall include an affidavit executed by the petitioner alleging that
17 evidence exists which was not considered before entry of judgment and either:

18 (1) An allegation that genetic testing was conducted within ninety days prior to the
19 filing of such petition using DNA methodology to determine the probability or improbability
20 of paternity, and performed by an expert as defined in section 210.834. The affidavit shall
21 also allege that the test results, which are attached thereto, indicate that a person subject to the
22 child support payment order has been excluded as the child's father; or

23 (2) A request to the court for an order of genetic paternity testing using DNA
24 methodology.

25 3. The court, after a hearing wherein all interested parties have been given an
26 opportunity to present evidence and be heard, and upon a finding of probable cause to believe
27 said testing may result in a determination of nonpaternity, shall order the relevant parties to
28 submit to genetic paternity testing. The genetic paternity testing costs shall be paid by the
29 petitioner.

30 4. Upon a finding that the genetic test referred to herein was properly conducted,
31 accurate, and indicates that the person subject to the child support payment order has been
32 excluded as the child's father, the court shall, unless it makes written findings of fact and
33 conclusions of law that it is in the best interest of the parties not to do so:

34 (1) Grant relief on the petition and enter judgment setting aside the previous judgment
35 or judgments of paternity and support, or acknowledgment of paternity under section 210.823
36 only as to the child or children found not to be the biological child or children of the
37 petitioner;

38 (2) Extinguish any existing child support arrearage only as to the child or children
39 found not to be the biological child or children of the petitioner; and

40 (3) Order the department of health and senior services to modify the child's birth
41 certificate accordingly.

42 5. The provisions of this section shall not apply to grant relief to the parent of any
43 adopted child.

44 6. A finding under subsection 4 of this section shall constitute a material mistake of
45 fact under section 210.823.

46 7. The provisions of this section shall not be construed to create a cause of action to
47 recover child support or state debt, under subdivision (2) of subsection 1 of section 454.465
48 and subsection 10 of section 452.340, that was previously paid pursuant to the order. The
49 petitioner shall have no right for reimbursement for any moneys previously paid pursuant to
50 said order.

51 8. Any petitioner who has pled guilty to or been found guilty of an offense for
52 criminal nonsupport under section 568.040 **as it existed prior to August 28, 2023**, as to a

53 child or children who have been found not to be the biological child or children of the
54 petitioner, may apply to the court in which the petitioner pled guilty or was sentenced for an
55 order to expunge from all official records all recordations of his arrest, plea, trial, or
56 conviction. If the court determines, after hearing, that the petitioner has had a judgment or
57 judgments of paternity and support set aside under this section, the court shall enter an order
58 of expungement. Upon granting of the order of expungement under this subsection, the
59 records and files maintained in any administrative or court proceeding in an associate or
60 circuit division of the circuit court under this section shall be confidential and only available
61 to the parties or by order of the court for good cause shown. The effect of such order shall be
62 to restore such person to the status he or she occupied prior to such arrest, plea, or conviction
63 and as if such event had never taken place. No person as to whom such order has been
64 entered shall be held thereafter under any provision of any law to be guilty of perjury or
65 otherwise giving a false statement by reason of his failure to recite or acknowledge such
66 arrest, plea, trial, conviction, or expungement in response to any inquiry made of him for any
67 purpose whatsoever and no such inquiry shall be made for information relating to an
68 expungement under this section.

69 9. Beginning in 2010, the family support division shall track and report to the general
70 assembly the number of cases known to the division in which a court, within the calendar
71 year, set aside a previous judgment or judgments of paternity and support under subsection 4
72 of this section. The family support division shall submit the report annually by December
73 thirty-first.

454.435. 1. Each prosecuting attorney may enter into a cooperative agreement or
2 may enter into a multiple county agreement to litigate [~~or prosecute~~] any action necessary to
3 secure support for any person referred to such office by the family support division including,
4 but not limited to, reciprocal actions under this chapter, actions to establish, modify and
5 enforce support obligations, actions to enforce medical support obligations ordered in
6 conjunction with a child support obligation, actions to obtain reimbursement for the cost of
7 medical care provided by the state for which an obligor is liable under subsection 9 of section
8 208.215, and actions to establish the paternity of a child for whom support is sought. In all
9 cases where a prosecuting attorney seeks the establishment or modification of a support
10 obligation, the prosecuting attorney shall, in addition to periodic monetary support, seek and
11 enforce orders from the court directing the obligated parent to maintain medical insurance on
12 behalf of the child for whom support is sought, which insurance shall, in the opinion of the
13 court, be sufficient to provide adequate medical coverage; or to otherwise provide for such
14 child's necessary medical expenses.

15 2. In all cases where a prosecuting attorney has entered into a cooperative agreement
16 to litigate [~~or prosecute~~] an action necessary to secure child support, and [~~an information is~~

17 ~~not filed or~~ a civil action **is not** commenced within sixty days of the receipt of the referral
18 from the division, the division may demand return of the referral and the case filed and the
19 prosecuting attorney shall return the referral and the case file. The division may then use any
20 other attorney which it employs or with whom it has a cooperative agreement to establish or
21 enforce the support obligation.

22 3. As used in this section, the term "prosecuting attorney" means, with reference to
23 any city not within a county, the circuit attorney.

24 4. Prosecuting attorneys are hereby authorized to initiate judicial or administrative
25 modification proceedings on IV-D cases at the request of the division.

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under chapter 566; or

3 (2) Is seventeen years of age or older and arrested for burglary in the first degree
4 under section 569.160, or burglary in the second degree under section 569.170, or a felony
5 offense under chapter 565, 566, 567, 568, or 573; or

6 (3) Has been determined to be a sexually violent predator pursuant to sections
7 632.480 to 632.513; or

8 (4) Is an individual required to register as a sexual offender under sections 589.400 to
9 589.425;

10

11 shall have a fingerprint and blood or scientifically accepted biological sample collected for
12 purposes of DNA profiling analysis.

13 2. Any individual subject to DNA collection and profiling analysis under this section
14 shall provide a DNA sample:

15 (1) Upon booking at a county jail or detention facility; or

16 (2) Upon entering or before release from the department of corrections reception and
17 diagnostic centers; or

18 (3) Upon entering or before release from a county jail or detention facility, state
19 correctional facility, or any other detention facility or institution, whether operated by a
20 private, local, or state agency, or any mental health facility if committed as a sexually violent
21 predator pursuant to sections 632.480 to 632.513; or

22 (4) When the state accepts a person from another state under any interstate compact,
23 or under any other reciprocal agreement with any county, state, or federal agency, or any other
24 provision of law, whether or not the person is confined or released, the acceptance is
25 conditional on the person providing a DNA sample if the person was found guilty of a felony
26 offense in any other jurisdiction; or

27 (5) If such individual is under the jurisdiction of the department of corrections. Such
28 jurisdiction includes persons currently incarcerated, persons on probation, as defined in
29 section 217.650, and on parole, as also defined in section 217.650; or

30 (6) At the time of registering as a sex offender under sections 589.400 to 589.425.

31 3. The Missouri state highway patrol and department of corrections shall be
32 responsible for ensuring adherence to the law. Any person required to provide a DNA sample
33 pursuant to this section shall be required to provide such sample, without the right of refusal,
34 at a collection site designated by the Missouri state highway patrol and the department of
35 corrections. Authorized personnel collecting or assisting in the collection of samples shall not
36 be liable in any civil or criminal action when the act is performed in a reasonable manner.
37 Such force may be used as necessary to the effectual carrying out and application of such
38 processes and operations. The enforcement of these provisions by the authorities in charge of
39 state correctional institutions and others having custody or jurisdiction over individuals
40 included in subsection 1 of this section which shall not be set aside or reversed is hereby
41 made mandatory. The division of probation and parole shall recommend that an individual on
42 probation or parole who refuses to provide a DNA sample have his or her probation or parole
43 revoked. In the event that a person's DNA sample is not adequate for any reason, the person
44 shall provide another sample for analysis.

45 4. The procedure and rules for the collection, analysis, storage, expungement, use of
46 DNA database records and privacy concerns shall not conflict with procedures and rules
47 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's
48 DNA databank system.

49 5. Unauthorized use or dissemination of individually identifiable DNA information in
50 a database for purposes other than criminal justice or law enforcement is a class A
51 misdemeanor.

52 6. Implementation of sections 650.050 to 650.100 shall be subject to future
53 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
54 Investigation's DNA databank system.

55 7. All DNA records and biological materials retained in the DNA profiling system are
56 considered closed records pursuant to chapter 610. All records containing any information
57 held or maintained by any person or by any agency, department, or political subdivision of the
58 state concerning an individual's DNA profile shall be strictly confidential and shall not be
59 disclosed, except to:

60 (1) Peace officers, as defined in section 590.010, and other employees of law
61 enforcement agencies who need to obtain such records to perform their public duties;

62 (2) The attorney general or any assistant attorneys general acting on his or her behalf,
63 as defined in chapter 27;

64 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their
65 employees who need to obtain such records to perform their public duties;

66 (4) The individual whose DNA sample has been collected, or his or her attorney; or

67 (5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme
68 court judges, and their employees who need to obtain such records to perform their public
69 duties.

70 8. Any person who obtains records pursuant to the provisions of this section shall use
71 such records only for investigative and prosecutorial purposes, including but not limited to
72 use at any criminal trial, hearing, or proceeding; or for law enforcement identification
73 purposes, including identification of human remains. Such records shall be considered
74 strictly confidential and shall only be released as authorized by this section.

75 9. (1) An individual may request expungement of his or her DNA sample and DNA
76 profile through the court issuing the reversal or dismissal, or through the court granting an
77 expungement of all official records under section 568.040 **as it existed prior to August 28,**
78 **2023.** A certified copy of the court order establishing that such conviction has been reversed,
79 guilty plea has been set aside, or expungement has been granted under section 568.040 **as it**
80 **existed prior to August 28, 2023,** shall be sent to the Missouri state highway patrol crime
81 laboratory. Upon receipt of the court order, the laboratory will determine that the requesting
82 individual has no other qualifying offense as a result of any separate plea or conviction and no
83 other qualifying arrest prior to expungement.

84 (2) A person whose DNA record or DNA profile has been included in the state DNA
85 database in accordance with this section and sections 650.050, 650.052, and 650.100 may
86 request expungement on the grounds that the conviction has been reversed, the guilty plea on
87 which the authority for including that person's DNA record or DNA profile was based has
88 been set aside, or an expungement of all official records has been granted by the court under
89 section 568.040 **as it existed prior to August 28, 2023.**

90 (3) Upon receipt of a written request for expungement, a certified copy of the final
91 court order reversing the conviction, setting aside the plea, or granting an expungement of all
92 official records under section 568.040 **as it existed prior to August 28, 2023,** and any other
93 information necessary to ascertain the validity of the request, the Missouri state highway
94 patrol crime laboratory shall expunge all DNA records and identifiable information in the
95 state DNA database pertaining to the person and destroy the DNA sample of the person,
96 unless the Missouri state highway patrol determines that the person is otherwise obligated to
97 submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri
98 state highway patrol shall notify the individual that it has expunged his or her DNA sample
99 and DNA profile, or the basis for its determination that the person is otherwise obligated to
100 submit a DNA sample.

101 (4) The Missouri state highway patrol is not required to destroy any item of physical
102 evidence obtained from a DNA sample if evidence relating to another person would thereby
103 be destroyed.

104 (5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived
105 from the database shall not be excluded or suppressed from evidence, nor shall any conviction
106 be invalidated or reversed or plea set aside due to the failure to expunge or a delay in
107 expunging DNA records.

108 10. When a DNA sample is taken from an individual pursuant to subdivision (2) of
109 subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting
110 agency of that decision, the arresting agency shall notify the Missouri state highway patrol
111 crime laboratory within ninety days of receiving such notification. Within thirty days of
112 being notified by the arresting agency that the prosecutor has declined prosecution, the
113 Missouri state highway patrol crime laboratory shall determine whether the individual has
114 any other qualifying offenses or arrests that would require a DNA sample to be taken and
115 retained. If the individual has no other qualifying offenses or arrests, the crime laboratory
116 shall expunge all DNA records in the database taken at the arrest for which the prosecution
117 was declined pertaining to the person and destroy the DNA sample of such person.

118 11. When a DNA sample is taken of an arrestee for any offense listed under
119 subsection 1 of this section and charges are filed:

120 (1) If the charges are later withdrawn, the prosecutor shall notify the state highway
121 patrol crime laboratory that such charges have been withdrawn;

122 (2) If the case is dismissed, the court shall notify the state highway patrol crime
123 laboratory of such dismissal;

124 (3) If the court finds at the preliminary hearing that there is no probable cause that the
125 defendant committed the offense, the court shall notify the state highway patrol crime
126 laboratory of such finding;

127 (4) If the defendant is found not guilty, the court shall notify the state highway patrol
128 crime laboratory of such verdict.

129

130 If the state highway patrol crime laboratory receives notice under this subsection, such crime
131 laboratory shall determine, within thirty days, whether the individual has any other qualifying
132 offenses or arrests that would require a DNA sample to be taken. If the individual has no
133 other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the
134 database pertaining to such person and destroy the person's DNA sample.

2 ~~[478.1000. 1. Criminal nonsupport courts may be established by any~~
3 ~~circuit court to provide an alternative for the criminal justice system to dispose~~
~~of cases which stem from criminal nonsupport. A criminal nonsupport court~~

4 shall combine judicial supervision, substance abuse treatment, education
5 including general education development certificate (GED) programs,
6 vocational or employment training, work programs, and support payment
7 plans for criminal nonsupport court participants. Except for good cause found
8 by the court, a criminal nonsupport court making a referral for education,
9 substance abuse treatment, vocational or employment training, or work
10 programs, when such program will receive state or federal funds in connection
11 with such referral, shall refer the person only to a program which is certified
12 by a department of the state of Missouri, unless no appropriate certified
13 program is located within the same county as the criminal nonsupport court.
14 Upon successful completion of the education, substance abuse treatment,
15 vocational or employment training program, work program, or support
16 payment plan, the defendant becoming gainfully employed, or the defendant
17 commencing payment of current and accrued support, the charges, petition, or
18 penalty against a criminal nonsupport court participant may be dismissed,
19 reduced, or modified. Any fees received by a court from a defendant as
20 payment for education, substance abuse treatment, or training programs shall
21 not be considered court costs, charges, or fines.

22 2. Each circuit court shall establish conditions for referral of
23 proceedings to the criminal nonsupport court. The defendant in any criminal
24 proceeding accepted by a criminal nonsupport court for disposition shall be a
25 nonviolent person, as determined by the prosecuting attorney, and shall be
26 subject to the conditions set forth in subsection 6 of section 568.040. Any
27 proceeding accepted by the criminal nonsupport court program for disposition
28 shall be upon agreement of the parties.

29 3. Any report made by the staff of the program shall not be admissible
30 as evidence against the participant in the underlying criminal nonsupport case.
31 Notwithstanding the foregoing, termination from the criminal nonsupport
32 court program and the reasons for termination may be considered in
33 sentencing or disposition.

34 4. Notwithstanding any other provision of law, criminal nonsupport
35 court staff shall be provided with access to all records of any state or local
36 government agency relevant to the supervision of any program participant.
37 Upon general request, employees of all such agencies shall fully inform
38 criminal nonsupport court staff of all matters relevant to the supervision of the
39 participant. All such records and reports and the contents thereof shall be
40 treated as closed records and shall not be disclosed to any person outside of the
41 criminal nonsupport court, and shall be maintained by the court in a
42 confidential file not available to the public.

43 5. In order to coordinate the allocation of resources available to
44 criminal nonsupport courts throughout the state, there is hereby established a
45 "Criminal Nonsupport Courts Coordinating Commission" in the judicial
46 department. The criminal nonsupport courts coordinating commission shall
47 consist of one member selected by the director of the department of
48 corrections; one member selected by the director of the department of social
49 services; one member selected by the director of the department of education;
50 one member selected by the director of the department of public safety; one
51 member selected by the state courts administrator; one member selected by the

52 ~~director of the department of labor and industrial relations; three members~~
 53 ~~selected by the Missouri supreme court, one being a criminal defense attorney;~~
 54 ~~and one member who is a prosecuting attorney selected by the office of~~
 55 ~~prosecution services. The Missouri supreme court shall designate the chair of~~
 56 ~~the commission. The commission shall periodically meet at the call of the~~
 57 ~~chair; evaluate resources available for assessment and training of persons~~
 58 ~~assigned to criminal nonsupport courts or for operation of criminal nonsupport~~
 59 ~~courts; secure grants, funds, and other property and services necessary or~~
 60 ~~desirable to facilitate criminal nonsupport court operation; and allocate such~~
 61 ~~resources among the various criminal nonsupport courts operating within the~~
 62 ~~state.~~

63 ~~6. There is hereby established in the state treasury a "Criminal~~
 64 ~~Nonsupport Court Resources Fund", which shall be administered by the~~
 65 ~~criminal nonsupport courts coordinating commission. Funds available for~~
 66 ~~allocation or distribution by the criminal nonsupport courts coordinating~~
 67 ~~commission may be deposited into the criminal nonsupport court resources~~
 68 ~~fund. The state treasurer shall be the custodian of the fund and may approve~~
 69 ~~disbursements from the fund in accordance with sections 30.170 and 30.180.~~
 70 ~~Notwithstanding the provisions of section 33.080, moneys in the criminal~~
 71 ~~nonsupport court resources fund shall not be transferred or placed to the credit~~
 72 ~~of the general revenue fund of the state at the end of each biennium, but shall~~
 73 ~~remain deposited to the credit of the criminal nonsupport court resources~~
 74 ~~fund.]~~

2 ~~[483.163. 1. Each circuit clerk, except the circuit clerk in any city not~~
 3 ~~within a county, shall cooperate with the prosecuting attorney and family~~
 4 ~~support division in the investigation and documentation of possible criminal~~
 5 ~~nonsupport pursuant to section 568.040.~~

6 ~~2. Other provisions of law to the contrary notwithstanding, for the~~
 7 ~~performance of the duties prescribed in subsection 1 of this section, each~~
 8 ~~circuit clerk, except the circuit clerk in any city not within a county, in addition~~
 9 ~~to any other compensation provided by law, shall receive five thousand dollars~~
 10 ~~per year beginning January 1, 1997. Such compensation shall be payable in~~
 11 ~~equal installments in the same manner and at the same time as other~~
 12 ~~compensation is paid to the circuit clerk.~~

13 ~~3. For every year beginning July 1, 1998, the amount of increased~~
 14 ~~compensation established in subsection 2 of this section shall be adjusted by~~
~~any salary adjustment authorized pursuant to section 476.405.]~~

2 ~~[568.040. 1. A person commits the offense of nonsupport if he or she~~
 3 ~~knowingly fails to provide adequate support for his or her spouse; a parent~~
 4 ~~commits the offense of nonsupport if such parent knowingly fails to provide~~
 5 ~~adequate support which such parent is legally obligated to provide for his or~~
 6 ~~her child or stepchild who is not otherwise emancipated by operation of law.~~

7 ~~2. For purposes of this section:~~

8 ~~(1) "Arrearage":~~

9 ~~(a) The amount of moneys created by a failure to provide support to a~~
~~child under an administrative or judicial support order;~~

10 ~~(b) Support to an estranged or former spouse if the judgment or order~~
11 ~~requiring payment of spousal support also requires payment of child support~~
12 ~~and such estranged or former spouse is the custodial parent; or~~

13 ~~(c) Both paragraphs (a) and (b) of this subdivision.~~

14
15 ~~The arrearage shall reflect any retroactive support ordered under a~~
16 ~~modification and any judgments entered by a court of competent jurisdiction~~
17 ~~or any authorized agency and any satisfactions of judgment filed by the~~
18 ~~custodial parent;~~

19 ~~(2) "Child" means any biological or adoptive child, or any child whose~~
20 ~~paternity has been established under chapter 454, or chapter 210, or any child~~
21 ~~whose relationship to the defendant has been determined, by a court of law in a~~
22 ~~proceeding for dissolution or legal separation, to be that of child to parent;~~

23 ~~(3) "Good cause" means any substantial reason why the defendant is~~
24 ~~unable to provide adequate support. Good cause does not exist if the~~
25 ~~defendant purposely maintains his inability to support;~~

26 ~~(4) "Support" means food, clothing, lodging, and medical or surgical~~
27 ~~attention;~~

28 ~~(5) It shall not constitute a failure to provide medical and surgical~~
29 ~~attention, if nonmedical remedial treatment recognized and permitted under~~
30 ~~the laws of this state is provided.~~

31 ~~3. Inability to provide support for good cause shall be an affirmative~~
32 ~~defense under this section. A defendant who raises such affirmative defense~~
33 ~~has the burden of proving the defense by a preponderance of the evidence.~~

34 ~~4. The defendant shall have the burden of injecting the issues raised by~~
35 ~~subdivision (5) of subsection 2 of this section.~~

36 ~~5. The offense of criminal nonsupport is a class A misdemeanor,~~
37 ~~unless the total arrearage is in excess of an aggregate of twelve monthly~~
38 ~~payments due under any order of support issued by any court of competent~~
39 ~~jurisdiction or any authorized administrative agency, in which case it is a class~~
40 ~~E felony.~~

41 ~~6. (1) If at any time an offender convicted of criminal nonsupport, or~~
42 ~~an offender who has plead guilty to a charge of criminal nonsupport, is placed~~
43 ~~on probation or parole, there may be ordered as a condition of probation or~~
44 ~~parole that the offender commence payment of current support as well as~~
45 ~~satisfy the arrearages. Arrearages may be satisfied first by making such lump~~
46 ~~sum payment as the offender is capable of paying, if any, as may be shown~~
47 ~~after examination of the offender's financial resources or assets, both real,~~
48 ~~personal, and mixed, and second by making periodic payments. Periodic~~
49 ~~payments toward satisfaction of arrears when added to current payments due~~
50 ~~shall be in such aggregate sums as is not greater than fifty percent of the~~
51 ~~offender's adjusted gross income after deduction of payroll taxes, medical~~
52 ~~insurance that also covers a dependent spouse or children, and any other court-~~
53 ~~or administrative ordered support, only.~~

54 ~~(2) If the offender fails to pay the support and arrearages under the~~
55 ~~terms of his or her probation, the court may revoke probation or parole and~~
56 ~~then impose an appropriate sentence within the range for the class of offense~~
57 ~~that the offender was convicted of as provided by law, unless the offender~~

58 proves good cause for the failure to pay as required under subsection 3 of this
59 section.

60 ~~(3) (a) An individual whose children were the subject of a child~~
61 ~~support order and the obligation of such individual to make child support~~
62 ~~payments has been terminated under subsection 3 of section 452.340, who has~~
63 ~~been found guilty of a felony offense for criminal nonsupport under this~~
64 ~~section, and who has successfully completed probation after a plea of guilty or~~
65 ~~conviction may petition the court for expungement of all recordations of his or~~
66 ~~her arrest, plea, trial, or conviction. If the court determines after hearing that~~
67 ~~such person:~~

68 a. ~~Has not been convicted of any subsequent offense, unless such~~
69 ~~offense is eligible for expungement under a different section;~~

70 b. ~~Does not have any other felony pleas of guilt, findings of guilt, or~~
71 ~~convictions, unless such felony pleas of guilt, findings of guilt, or convictions~~
72 ~~are eligible for expungement under a different section;~~

73 c. ~~Has paid off all arrearages; and~~

74 d. ~~Has no administrative child support actions pending at the time of~~
75 ~~the hearing on the application for expungement with respect to all children~~
76 ~~subject to orders of payment of child support~~

77
78 the court shall enter an order of expungement. In addition, the court may
79 consider successful completion of a criminal nonsupport court program under
80 section 478.1000, or any other circumstances or factors deemed relevant by the
81 court.

82 ~~(b) Upon granting the order of expungement, the records and files~~
83 ~~maintained in any court proceeding in an associate or a circuit division of the~~
84 ~~circuit court under this section shall be confidential and only available to the~~
85 ~~parties or by order of the court for good cause shown.~~

86 ~~(c) The effect of such order shall be to restore such person to the status~~
87 ~~he or she occupied prior to such arrest, plea, or conviction, and as if such event~~
88 ~~had never taken place. No person for whom such order has been entered shall~~
89 ~~be held thereafter under any provision of any law to be guilty of perjury or~~
90 ~~otherwise giving a false statement by reason of his or her failure to recite or~~
91 ~~acknowledge such arrest, plea, trial, conviction, or expungement in response to~~
92 ~~any inquiry made of him or her for any purpose whatsoever and no such~~
93 ~~inquiry shall be made for information relating to an expungement under this~~
94 ~~section.~~

95 ~~(d) A person shall only be entitled to one expungement under this~~
96 ~~section. Nothing in this section shall prevent the director of the department of~~
97 ~~social services from maintaining such records as to ensure that an individual~~
98 ~~receives only one expungement under this section for the purpose of informing~~
99 ~~the proper authorities of the contents of any record maintained under this~~
100 ~~section.~~

101 ~~7. During any period that a nonviolent offender is incarcerated for~~
102 ~~criminal nonsupport, if the offender is ready, willing, and able to be gainfully~~
103 ~~employed during said period of incarceration, the offender, if he or she meets~~
104 ~~the criteria established by the department of corrections, may be placed on~~

105 ~~work release to allow the offender to satisfy his or her obligation to pay~~
106 ~~support. Arrearages shall be satisfied as outlined in the collection agreement.~~

107 ~~8. Beginning August 28, 2009, every nonviolent first and second time~~
108 ~~offender then incarcerated for criminal nonsupport, who has not been~~
109 ~~previously placed on probation or parole for conviction of criminal~~
110 ~~nonsupport, may be considered for parole, under the conditions set forth in~~
111 ~~subsection 6 of this section, or work release, under the conditions set forth in~~
112 ~~subsection 7 of this section.~~

113 ~~9. Beginning January 1, 1991, every prosecuting attorney in any~~
114 ~~county which has entered into a cooperative agreement with the family support~~
115 ~~division within the department of social services regarding child support~~
116 ~~enforcement services shall report to the division on a quarterly basis the~~
117 ~~number of charges filed and the number of convictions obtained under this~~
118 ~~section by the prosecuting attorney's office on all IV-D cases. The division~~
119 ~~shall consolidate the reported information into a statewide report by county~~
120 ~~and make the report available to the general public.~~

121 ~~10. Persons accused of committing the offense of nonsupport of the~~
122 ~~child shall be prosecuted:~~

123 ~~(1) In any county in which the child resided during the period of time~~
124 ~~for which the defendant is charged; or~~

125 ~~(2) In any county in which the defendant resided during the period of~~
126 ~~time for which the defendant is charged.]~~

✓