

HB 753 -- EXPUNGEMENT

SPONSOR: Hicks

This bill creates a process for automatic expungement of clean slate eligible cases. A "clean slate eligible case" is defined in the bill as a case where each offense, violation, or infraction is not an offense ineligible for expungement under Section 610.140, RSMo, and the offense meets the requirements of the bill. The process in this bill does not affect a person's ability to petition the court for expungement of his or her record. Subject to other requirements, a person will become eligible for expungement when three years have passed since final disposition if the offense is a felony or when one year has passed since final disposition if the offense is a misdemeanor, municipal offense, or infraction.

On a monthly basis the State Highway Patrol Central Repository will identify clean slate eligible cases and will provide a list of those cases to every prosecuting agency in the state. The prosecuting agency will have up to 45 days to object to the automatic expungement. Once a year, the Central Repository will submit a report to the General Assembly with a list of all cases where a record was not expunged under this bill. The Highway Patrol will retain a nonpublic record of the order expunging a conviction, or any other notification regarding a conviction that was automatically expunged under this bill, and of the record of arrest, fingerprints, conviction and sentence of the person in the case to which the order applies. The nonpublic records will be accessible under limited circumstances.

The bill provides circumstances under which convictions expunged under this process may be reinstated.