



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 753</b>		DATE: <b>3/27/2023</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>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DARRELL LEE MOORE</b>		PHONE NUMBER: <b>573-751-0619</b>	
REPRESENTING: <b>MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS; MISSOURI OFFICE OF PROSECUTION SERVICES</b>		TITLE: <b>EXECUTIVE DIRECTOR</b>	
ADDRESS: <b>P.O. BOX 899, 200 MADISON STREET, SUITE 1060</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL: <b>Darrell.Moore@prosecutors.mo.gov</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>3/27/2023 1:58 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

Prosecutors support automatic expungement. Of the bills offered on automatic expungement, this one contains all the items of concern to prosecutors- e.g., limiting the eligible offenses to those defined in 610.140, RSMO; ensuring that all fines, costs and restitution have been paid; notification to the prosecuting attorney of the intent to expunge and allowing the prosecutor the opportunity to verify eligibility and oppose if not eligible; the availability and use of expunged offenses as a prior offense for charging purposes, and for sentencing purposes; and the relevant uses of expunged records as provided in 610.147.11 (on page 5) of the bill. We also support the protections provided under Section 610.147.10 of the bill (page 4).



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DAVID JACKSON</b>		PHONE NUMBER: <b>314-406-2933</b>	
REPRESENTING: <b>GREATER ST. LOUIS, INC.</b>		TITLE:	
ADDRESS: <b>PO BOX 1865</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/27/2023 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>DOROTHY STRATMAN-LUCEY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>dlucey66@outlook.com</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/26/2023 9:01 PM</b>
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As above



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>JEANNE SCHEPERS</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>jschepers0701@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/27/2023 10:30 AM</b>

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**Please, do the right thing. Our citizens have reformed, been in jail and want to return to active participation in our state. Let us not be revengeful. Jeanne Schepers**



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>KARA CORCHES</b>		PHONE NUMBER: <b>573-634-3511</b>	
REPRESENTING: <b>MISSOURI CHAMBER OF COMMERCE &amp; INDUSTRY</b>		TITLE:	
ADDRESS: <b>428 E. CAPITOL</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/27/2023 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>LAURA JO ANDERSON</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>laurajo58@yahoo.com</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/27/2023 9:40 PM</b>
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**For Thomas Gregory Anderson expungement**



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>MALLORY RUSCH</b>		PHONE NUMBER: <b>314-306-8945</b>	
BUSINESS/ORGANIZATION NAME: <b>EMPOWER MISSOURI</b>		TITLE: <b>EXECUTIVE DIRECTOR</b>	
ADDRESS: <b>PO BOX 104900</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65110</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/27/2023 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>SHARON GEUEA JONES</b>		PHONE NUMBER: <b>573-808-2156</b>	
REPRESENTING: <b>DREAM.ORG, MO NAACP</b>		TITLE:	
ADDRESS: <b>227 JEFFERSON</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/27/2023 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>WILLIAM SHOEHIGH</b>		PHONE NUMBER: <b>573-230-2940</b>	
REPRESENTING: <b>MICROSOFT CORPORATION</b>		TITLE: <b>REGISTERED LOBBYIST</b>	
ADDRESS: <b>PO BOX 104232</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65110</b>
EMAIL: <b>bill@shoehigh.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/27/2023 3:48 PM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>arniedienoff@yahoo.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/27/2023 11:59 PM</b>	
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**I am Opposed to this Bill. If you do the Crime, it NEEDs to be and stay on your Record for Public Disclosure.**



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>BRENT SMOYER</b>		PHONE NUMBER: <b>402-957-1179</b>	
BUSINESS/ORGANIZATION NAME: <b>THE PROFESSIONAL BACKGROUND SCREENING ASSOCIATION</b>		TITLE: <b>PBSA STATE GOVERNMENT RELATIONS DIRECTOR</b>	
ADDRESS: <b>110 HORIZON DRIVE SUITE 210</b>			
CITY: <b>RALEIGH</b>		STATE: <b>NC</b>	ZIP: <b>27615</b>
EMAIL: <b>brent.smoyer@thepbsa.org</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/27/2023 9:02 AM</b>
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Dear Chair Evans, Rep. Hicks, and Members of the Committee, On behalf of the Professional Background Screening Association (PBSA), whose members include Missouri residents and businesses, we write to you to respectfully oppose HB 753. As a nonprofit organization consisting of over 700 small and large companies engaged in the background screening profession, PBSA has been dedicated to providing the public with safe places to live and work since 2003. The PBSA member companies conduct millions of employment and tenancy-related background checks each year, helping employers, staffing agencies, and nonprofit organizations make more informed decisions regarding the suitability of potential employees, contractors, tenants and volunteers. While PBSA fully supports the intent and goals of the legislation in ensuring returning citizens have opportunities to be productive members of society, we cannot support this legislation as written because it will lead to significant risk for Missouri employers and landlords. Millions of background screening reports are requested in the United States each year. Our members are hired to verify the education, employment, financial, and criminal histories of applicants. There are a number of important reasons for conducting these searches, including: (i) ensuring a safe working environment by reducing the likelihood of workplace violence; (ii) ensuring property managers have the ability to provide safe living environments for tenants, including where housing is provided for vulnerable populations; (iii) reducing employee theft; (iv) reducing the hiring of individuals based on fraudulent credentials; (v) avoiding legal exposure for negligent hiring; and (vi) meeting state law requirements designed to protect vulnerable populations like the elderly, disabled, and children. HB 753 contains several concerning provisions for us as background screeners and those we serve. These include:

1. Three-year waiting period following completion of court sanctions. This section is of grave concern given the science surrounding recidivism. A 2010 Alfred Blumstein and Kiminori Nakamura study funded by the US Department of Justice (attached with this letter) noted that risk does not hit a 50% threshold for violent offenses until about year 5 and for drug offenses until year 3. Interestingly, property crime re-offense risk does fall to about half in 2 years. At 3 years, the risk of re-offense for violent crime has fallen by only about 18% and the risk of re-offense for drug crime has fallen by only about 30%. We would encourage you to consider following this science and pushing the waiting period for automatic sealing or expungement to 5 years after the completion of all court sanctions.
2. Expansion of automatic sealing and expungement to certain felonies: We would caution against sealing or expunging records that reflect a predilection for escalation of criminal behavior, as the potential for harm to coworkers, customers, and tenants greatly increases if an individual should choose to recidivate. In those cases of more serious offenses, we need to exercise the utmost caution to ensure the public's safety while we endeavor to reintegrate those genuinely rehabilitated individuals

back into productive society.<sup>3</sup> Conflict with existing state and federal laws: HB 753 contains a few exceptions to the limitation of criminal record access but fails to include numerous pertinent industries and jobs that require specific look-back periods and scope of screening exceeding where expungement would occur, essentially serving as a de facto reduction in look back period. This includes but is not limited to tribal gaming, banks, credit unions, mortgage brokers, broker-dealers, and insurance companies as well as “gig economy” jobs like ride-share companies and delivery services. All require a minimum lookback of seven years to ensure public safety. PBSA feels the bill should be updated to reflect exemptions as required in existing law.<sup>4</sup> Lack of protection for negligent hiring or rental protections: While HB 753 allows for the sealing of criminal records, it fails to provide protection to employers and landlords should an individual they hire or rent to chose to recidivate. It is inherent unfairness to hold employers or landlords responsible for their employee’s or tenants’ criminal actions if they are unaware of the offender’s prior record. This is why PBSA would encourage the committee to amend HB 753 to hold harmless any employer or landlord who would engage in proper due diligence with an applicant. By engaging in a proper background check, even with record access limited by this bill, a business or property owner should be granted the legal presumption that they did everything in their power to prevent harm. We at PBSA believe wholeheartedly in meeting the needs of marginalized communities and in seeing that those seeking a “second chance” get one. In fact, we are proud to have been involved in state and federal policies to address these issues, culminating most recently in the Federal First Step Act. We believe this legislation can be improved to achieve its laudable goals without placing Missouri businesses and housing providers at risk from bad actors who could take advantage of this bill. We would encourage the committee to strongly consider implementing needed amendments if you are to advance this bill for consideration by the entire House. We thank you for taking the time to hear our concerns and consider our request. PBSA and its members are prepared to discuss any questions you may have and look forward to working with you further. Please feel free to contact me directly with any questions at 402-957-1179 or [brent.smoyer@thepbsa.org](mailto:brent.smoyer@thepbsa.org). Sincerely,

Brent Smoyer, JDPBSA State Government Relations & Grassroots Director