

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1692 & 1748
102ND GENERAL ASSEMBLY

4436H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 558.019, 575.150, 575.200, and 610.140, RSMo, and to enact in lieu thereof four new sections relating to offenses involving arrests, stops, and detentions, with penalty provisions.

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

Section A. Sections 558.019, 575.150, 575.200, and 610.140, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 558.019, 575.150,
3 575.151, and 610.140, to read as follows:

558.019. 1. This section shall not be construed to affect the powers of the governor
2 under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms
4 of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall only be applicable to the
6 offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052,
7 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,
8 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064,
9 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111,
10 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,
11 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030
12 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony,
13 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,
14 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150,
15 **575.151**, 575.153, 575.155, 575.157, [~~575.200 when punished as a class A felony,~~] 575.210,
16 575.230 when punished as a class B felony, 575.240 when punished as a class B felony,

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.

17 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when
18 punished as a class A or B felony. For the purposes of this section, "prison commitment"
19 means and is the receipt by the department of corrections of an offender after sentencing. For
20 purposes of this section, prior prison commitments to the department of corrections shall not
21 include an offender's first incarceration prior to release on probation under section 217.362 or
22 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has
23 been found guilty of a felony other than a dangerous felony as defined in section 556.061 and
24 is committed to the department of corrections shall be required to serve the following
25 minimum prison terms:

26 (1) If the offender has one previous prison commitment to the department of
27 corrections for a felony offense, the minimum prison term which the offender must serve shall
28 be forty percent of his or her sentence or until the offender attains seventy years of age, and
29 has served at least thirty percent of the sentence imposed, whichever occurs first;

30 (2) If the offender has two previous prison commitments to the department of
31 corrections for felonies unrelated to the present offense, the minimum prison term which the
32 offender must serve shall be fifty percent of his or her sentence or until the offender attains
33 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
34 occurs first;

35 (3) If the offender has three or more previous prison commitments to the department
36 of corrections for felonies unrelated to the present offense, the minimum prison term which
37 the offender must serve shall be eighty percent of his or her sentence or until the offender
38 attains seventy years of age, and has served at least forty percent of the sentence imposed,
39 whichever occurs first.

40 3. Other provisions of the law to the contrary notwithstanding, any offender who has
41 been found guilty of a dangerous felony as defined in section 556.061 and is committed to the
42 department of corrections shall be required to serve a minimum prison term of eighty-five
43 percent of the sentence imposed by the court or until the offender attains seventy years of age,
44 and has served at least forty percent of the sentence imposed, whichever occurs first.

45 4. For the purpose of determining the minimum prison term to be served, the
46 following calculations shall apply:

47 (1) A sentence of life shall be calculated to be thirty years;

48 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
49 offenses committed at or near the same time which is over seventy-five years shall be
50 calculated to be seventy-five years.

51 5. For purposes of this section, the term "minimum prison term" shall mean time
52 required to be served by the offender before he or she is eligible for parole, conditional
53 release or other early release by the department of corrections.

54 6. An offender who was convicted of, or pled guilty to, a felony offense other than
55 those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer
56 be subject to the minimum prison term provisions under subsection 2 of this section, and shall
57 be eligible for parole, conditional release, or other early release by the department of
58 corrections according to the rules and regulations of the department.

59 7. (1) A sentencing advisory commission is hereby created to consist of eleven
60 members. One member shall be appointed by the speaker of the house. One member shall be
61 appointed by the president pro tem of the senate. One member shall be the director of the
62 department of corrections. Six members shall be appointed by and serve at the pleasure of the
63 governor from among the following: the public defender commission; private citizens; a
64 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
65 Two members shall be appointed by the supreme court, one from a metropolitan area and one
66 from a rural area. All members shall be appointed to a four-year term. All members of the
67 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
68 sentencing advisory commission at the pleasure of the governor.

69 (2) The commission shall study sentencing practices in the circuit courts throughout
70 the state for the purpose of determining whether and to what extent disparities exist among
71 the various circuit courts with respect to the length of sentences imposed and the use of
72 probation for offenders convicted of the same or similar offenses and with similar criminal
73 histories. The commission shall also study and examine whether and to what extent
74 sentencing disparity among economic and social classes exists in relation to the sentence of
75 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
76 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
77 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
78 research and investigation of disparities in death penalty sentencing among economic and
79 social classes.

80 (3) The commission shall study alternative sentences, prison work programs, work
81 release, home-based incarceration, probation and parole options, and any other programs and
82 report the feasibility of these options in Missouri.

83 (4) The governor shall select a chairperson who shall call meetings of the commission
84 as required or permitted pursuant to the purpose of the sentencing commission.

85 (5) The members of the commission shall not receive compensation for their duties
86 on the commission, but shall be reimbursed for actual and necessary expenses incurred in the
87 performance of these duties and for which they are not reimbursed by reason of their other
88 paid positions.

89 (6) The circuit and associate circuit courts of this state, the office of the state courts
90 administrator, the department of public safety, and the department of corrections shall

91 cooperate with the commission by providing information or access to information needed by
92 the commission. The office of the state courts administrator will provide needed staffing
93 resources.

94 8. Courts shall retain discretion to lower or exceed the sentence recommended by the
95 commission as otherwise allowable by law, and to order restorative justice methods, when
96 applicable.

97 9. If the imposition or execution of a sentence is suspended, the court may order any
98 or all of the following restorative justice methods, or any other method that the court finds
99 just or appropriate:

100 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result
101 of the offender's actions;

102 (2) Offender treatment programs;

103 (3) Mandatory community service;

104 (4) Work release programs in local facilities; and

105 (5) Community-based residential and nonresidential programs.

106 10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the
107 assessment and payment of a designated amount of restitution to a county law enforcement
108 restitution fund established by the county commission pursuant to section 50.565. Such
109 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
110 moneys deposited into the county law enforcement restitution fund pursuant to this section
111 shall only be expended pursuant to the provisions of section 50.565.

112 11. A judge may order payment to a restitution fund only if such fund had been
113 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A
114 judge shall not have any direct supervisory authority or administrative control over any fund
115 to which the judge is ordering a person to make payment.

116 12. A person who fails to make a payment to a county law enforcement restitution
117 fund may not have his or her probation revoked solely for failing to make such payment
118 unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of
119 the evidence that the person either willfully refused to make the payment or that the person
120 willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire
121 the resources to pay.

122 13. Nothing in this section shall be construed to allow the sentencing advisory
123 commission to issue recommended sentences in specific cases pending in the courts of this
124 state.

575.150. 1. A person commits the offense of resisting ~~or~~, interfering with,
2 **escaping, or attempting to escape from** arrest, detention, ~~or~~ stop, **or custody** if he or she
3 knows or reasonably should know that a law enforcement officer is making an arrest or

4 attempting to lawfully detain or stop an individual or vehicle, and for the purpose of
 5 preventing the officer from effecting the arrest, stop, or detention **or maintaining custody**
 6 **after such stop, detention, or arrest**, he or she:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use
 8 of violence or physical force or by fleeing from such officer; ~~[or]~~

9 (2) Interferes with the arrest, stop or detention of another person by using or
 10 threatening the use of violence, physical force or physical interference; **or**

11 **(3) While being held in custody after a stop, detention, or arrest has been made,**
 12 **escapes or attempts to escape from such custody.**

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants;

15 (2) Arrests, stops, ~~[or]~~ detentions, **or custodies** for any offense, infraction, or
 16 ordinance violation; and

17 (3) Arrests for warrants issued by a court or a probation and parole officer.

18 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
 19 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or
 20 has heard or should have heard an audible signal emanating from the law enforcement vehicle
 21 pursuing him or her. **Nothing in this section shall be construed to require the state to**
 22 **prove in a prosecution against a defendant that the defendant knew why he or she was**
 23 **being stopped, detained, or arrested.**

24 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
 25 enforcement officer was acting unlawfully in making the arrest. However, nothing in this
 26 section shall be construed to bar civil suits for unlawful arrest.

27 5. The offense of resisting ~~[or]~~, interfering with ~~[an]~~, **or escaping or attempting to**
 28 **escape from a stop, detention, or arrest or from custody after such stop, detention, or**
 29 **arrest** is a class ~~E~~ felony for an arrest for a:

30 ~~(1) Felony;~~

31 ~~(2) Warrant issued for failure to appear on a felony case; or~~

32 ~~(3) Warrant issued for a probation violation on a felony case.~~

33

34 ~~The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of~~
 35 ~~subsection 1 of this section is a class~~ A misdemeanor, unless ~~[the person fleeing creates a~~
 36 ~~substantial risk of serious physical injury or death to any person, in which case it is a class E~~
 37 ~~felony]:~~

38 **(1) The stop, detention, arrest, or custody was for a felony;**

39 **(2) The stop, detention, arrest, or custody was for a warrant issued for failure to**
 40 **appear on a felony case;**

41 **(3) The stop, detention, arrest, or custody was for a warrant issued for a**
42 **probation violation on a felony case;**

43 **(4) While resisting, interfering with, or escaping or attempting to escape from a**
44 **stop, detention, or arrest or from custody, the person flees and during such flight creates**
45 **a substantial risk of serious physical injury or death to any person; or**

46 **(5) The escape or attempt to escape while in custody or under arrest was for a**
47 **felony,**

48

49 **in which case it is a class E felony; except that, if such escape or attempted escape is**
50 **committed by means of a deadly weapon or dangerous instrument or by holding any**
51 **person hostage it is a class A felony.**

575.151. 1. This section shall be known and may be cited as "Valentine's Law".

2 **2. A person commits the offense of aggravated fleeing a stop or detention of a**
3 **motor vehicle if he or she knows or reasonably should know that a law enforcement**
4 **officer is attempting to detain or stop a motor vehicle, and for the purpose of preventing**
5 **the officer from effecting the stop or detention, he or she flees and:**

6 **(1) Such person operates a motor vehicle at a high speed or in any manner**
7 **which creates a substantial risk of serious physical injury or death to any person;**

8 **(2) As a result of such flight causes physical injury to another person; or**

9 **(3) As a result of such flight causes death to another person.**

10 **3. A person is presumed to be fleeing a vehicle stop or detention if he or she**
11 **continues to operate a motor vehicle after he or she has seen or reasonably should have**
12 **seen clearly visible emergency lights or has heard or reasonably should have heard an**
13 **audible signal emanating from the law enforcement vehicle pursuing him or her.**

14 **4. Nothing in this section shall be construed to require the state to prove in a**
15 **prosecution against a defendant that the defendant knew why he or she was being**
16 **stopped, detained, or arrested.**

17 **5. The offense of aggravated fleeing a stop or detention in violation of**
18 **subdivision (1) of subsection 2 of this section shall be a class D felony, without eligibility**
19 **for probation, parole, or conditional release until the defendant has served no less than**
20 **one year of such sentence. The offense of aggravated fleeing a stop or detention in**
21 **violation of subdivision (2) of subsection 2 of this section shall be a class B felony. The**
22 **offense of aggravated fleeing a stop or detention in violation of subdivision (3) of**
23 **subsection 2 of this section shall be a class A felony.**

610.140. 1. Notwithstanding any other provision of law and subject to the provisions
2 **of this section, any person may apply to any court in which such person was charged or found**
3 **guilty of any offenses, violations, or infractions for an order to expunge records of such arrest,**

4 plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person
5 may apply to have one or more offenses, violations, or infractions expunged if such offense,
6 violation, or infraction occurred within the state of Missouri and was prosecuted under the
7 jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person
8 lists all the offenses, violations, and infractions he or she is seeking to have expunged in the
9 petition and so long as all such offenses, violations, and infractions are not excluded under
10 subsection 2 of this section. If the offenses, violations, or infractions were charged as counts
11 in the same indictment or information or were committed as part of the same course of
12 criminal conduct, the person may include all the related offenses, violations, and infractions
13 in the petition, regardless of the limits of subsection 12 of this section, and the petition shall
14 only count as a petition for expungement of the highest level violation or offense contained in
15 the petition for the purpose of determining future eligibility for expungement.

16 2. The following offenses, violations, and infractions shall not be eligible for
17 expungement under this section:

18 (1) Any class A felony offense;

19 (2) Any dangerous felony as that term is defined in section 556.061;

20 (3) Any offense that requires registration as a sex offender;

21 (4) Any felony offense where death is an element of the offense;

22 (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault;
23 or felony offense of kidnapping;

24 (6) Any offense listed, or previously listed, in chapter 566 or section 105.454,
25 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245,
26 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120,
27 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032,
28 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050,
29 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223,
30 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105,
31 574.115, 574.120, 574.130, 575.040, 575.095, **575.150, 575.151**, 575.153, 575.155, 575.157,
32 575.159, 575.195, [~~575.200~~], 575.210, 575.220, 575.230, 575.240, 575.350, 575.353,
33 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

34 (7) Any offense eligible for expungement under section 577.054 or 610.130;

35 (8) Any intoxication-related traffic or boating offense as defined in section 577.001,
36 or any offense of operating an aircraft with an excessive blood alcohol content or while in an
37 intoxicated condition;

38 (9) Any ordinance violation that is the substantial equivalent of any offense that is not
39 eligible for expungement under this section;

40 (10) Any violation of any state law or county or municipal ordinance regulating the
41 operation of motor vehicles when committed by an individual who has been issued a
42 commercial driver's license or is required to possess a commercial driver's license issued by
43 this state or any other state; and

44 (11) Any offense of section 571.030, except any offense under subdivision (1) of
45 subsection 1 of section 571.030 where the person was convicted or found guilty prior to
46 January 1, 2017, or any offense under subdivision (4) of subsection 1 of section 571.030.

47 3. The petition shall name as defendants all law enforcement agencies, courts,
48 prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of
49 criminal records, or others who the petitioner has reason to believe may possess the records
50 subject to expungement for each of the offenses, violations, and infractions listed in the
51 petition. The court's order of expungement shall not affect any person or entity not named as
52 a defendant in the action.

53 4. The petition shall include the following information:

54 (1) The petitioner's:

55 (a) Full name;

56 (b) Sex;

57 (c) Race;

58 (d) Driver's license number, if applicable; and

59 (e) Current address;

60 (2) Each offense, violation, or infraction for which the petitioner is requesting
61 expungement;

62 (3) The approximate date the petitioner was charged for each offense, violation, or
63 infraction; and

64 (4) The name of the county where the petitioner was charged for each offense,
65 violation, or infraction and if any of the offenses, violations, or infractions occurred in a
66 municipality, the name of the municipality for each offense, violation, or infraction; and

67 (5) The case number and name of the court for each offense.

68 5. The clerk of the court shall give notice of the filing of the petition to the office of
69 the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted
70 the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit
71 attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she
72 shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon
73 by the parties, the court shall hold a hearing within sixty days after any written objection is
74 filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed
75 within thirty days after receipt of service, the court may set a hearing on the matter and shall
76 give reasonable notice of the hearing to each entity named in the petition. At any hearing, the

77 court may accept evidence and hear testimony on, and may consider, the following criteria for
78 each of the offenses, violations, or infractions listed in the petition for expungement:

79 (1) At the time the petition is filed, it has been at least three years if the offense is a
80 felony, or at least one year if the offense is a misdemeanor, municipal offense, or infraction,
81 from the date the petitioner completed any authorized disposition imposed under section
82 557.011 for each offense, violation, or infraction listed in the petition;

83 (2) At the time the petition is filed, the person has not been found guilty of any other
84 misdemeanor or felony, not including violations of the traffic regulations provided under
85 chapters 301, 302, 303, 304, and 307, during the time period specified for the underlying
86 offense, violation, or infraction in subdivision (1) of this subsection;

87 (3) The person has satisfied all obligations relating to any such disposition, including
88 the payment of any fines or restitution;

89 (4) The person does not have charges pending;

90 (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat
91 to the public safety of the state; and

92 (6) The expungement is consistent with the public welfare and the interests of justice
93 warrant the expungement.

94

95 A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5)
96 and (6) of this subsection shall create a rebuttable presumption that the expungement is
97 warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are
98 otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or
99 municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or
100 infraction listed in the petition shall have an opportunity to be heard at any hearing held under
101 this section, and the court may make a determination based solely on such victim's testimony.

102 6. A petition to expunge records related to an arrest for an eligible offense, violation,
103 or infraction may be made in accordance with the provisions of this section to a court of
104 competent jurisdiction in the county where the petitioner was arrested no earlier than three
105 years from the date of arrest; provided that, during such time, the petitioner has not been
106 charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

107 7. If the court determines that such person meets all the criteria set forth in subsection
108 5 of this section for each of the offenses, violations, or infractions listed in the petition for
109 expungement, the court shall enter an order of expungement. In all cases under this section,
110 the court shall issue an order of expungement or dismissal within six months of the filing of
111 the petition. A copy of the order of expungement shall be provided to the petitioner and each
112 entity possessing records subject to the order, and, upon receipt of the order, each entity shall
113 close any record in its possession relating to any offense, violation, or infraction listed in the

114 petition, in the manner established by section 610.120. The records and files maintained in
115 any administrative or court proceeding in a municipal, associate, or circuit court for any
116 offense, infraction, or violation ordered expunged under this section shall be confidential and
117 only available to the parties or by order of the court for good cause shown. The central
118 repository shall request the Federal Bureau of Investigation to expunge the records from its
119 files.

120 8. The order shall not limit any of the petitioner's rights that were restricted as a
121 collateral consequence of such person's criminal record, and such rights shall be restored
122 upon issuance of the order of expungement. For purposes of 18 U.S.C. Section 921(a)(33)(B)
123 (ii), an order or expungement granted pursuant to this section shall be considered a complete
124 removal of all effects of the expunged conviction. Except as otherwise provided under this
125 section, the effect of such order shall be to restore such person to the status he or she occupied
126 prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No
127 person as to whom such order has been entered shall be held thereafter under any provision of
128 law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure
129 to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response
130 to an inquiry made of him or her and no such inquiry shall be made for information relating to
131 an expungement, except the petitioner shall disclose the expunged offense, violation, or
132 infraction to any court when asked or upon being charged with any subsequent offense,
133 violation, or infraction. The expunged offense, violation, or infraction may be considered a
134 prior offense in determining a sentence to be imposed for any subsequent offense that the
135 person is found guilty of committing.

136 9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a
137 person granted an expungement shall disclose any expunged offense, violation, or infraction
138 when the disclosure of such information is necessary to complete any application for:

139 (1) A license, certificate, or permit issued by this state to practice such individual's
140 profession;

141 (2) Any license issued under chapter 313 or permit issued under chapter 571;

142 (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-
143 operated lottery, or any emergency services provider, including any law enforcement agency;

144 (4) Employment with any federally insured bank or savings institution or credit union
145 or an affiliate of such institution or credit union for the purposes of compliance with 12
146 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

147 (5) Employment with any entity engaged in the business of insurance or any insurer
148 for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other
149 similar law which requires an employer engaged in the business of insurance to exclude
150 applicants with certain criminal convictions from employment; or

151 (6) Employment with any employer that is required to exclude applicants with certain
152 criminal convictions from employment due to federal or state law, including corresponding
153 rules and regulations.

154

155 An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this
156 subsection. Notwithstanding any provision of law to the contrary, an expunged offense,
157 violation, or infraction shall not be grounds for automatic disqualification of an applicant, but
158 may be a factor for denying employment, or a professional license, certificate, or permit;
159 except that, an offense, violation, or infraction expunged under the provisions of this section
160 may be grounds for automatic disqualification if the application is for employment under
161 subdivisions (4) to (6) of this subsection.

162 10. A person who has been granted an expungement of records pertaining to a
163 misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to
164 an employer's inquiry into whether the person has ever been convicted of a crime if, after the
165 granting of the expungement, the person has no public record of a misdemeanor or felony
166 offense, an ordinance violation, or an infraction. The person, however, shall answer such an
167 inquiry affirmatively and disclose his or her criminal convictions, including any offense or
168 violation expunged under this section or similar law, if the employer is required to exclude
169 applicants with certain criminal convictions from employment due to federal or state law,
170 including corresponding rules and regulations.

171 11. If the court determines that the petitioner has not met the criteria for any of the
172 offenses, violations, or infractions listed in the petition for expungement or the petitioner has
173 knowingly provided false information in the petition, the court shall enter an order dismissing
174 the petition. Any person whose petition for expungement has been dismissed by the court for
175 failure to meet the criteria set forth in subsection 5 of this section may not refile another
176 petition until a year has passed since the date of filing for the previous petition.

177 12. A person may be granted more than one expungement under this section provided
178 that during his or her lifetime, the total number of offenses, violations, or infractions for
179 which orders of expungement are granted to the person shall not exceed the following limits:

180 (1) Not more than two misdemeanor offenses or ordinance violations that have an
181 authorized term of imprisonment; and

182 (2) Not more than one felony offense.

183

184 A person may be granted expungement under this section for any number of infractions.
185 Nothing in this section shall prevent the court from maintaining records to ensure that an
186 individual has not exceeded the limitations of this subsection. Nothing in this section shall be
187 construed to limit or impair in any way the subsequent use of any record expunged under this

188 section of any arrests or findings of guilt by a law enforcement agency, criminal justice
189 agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its
190 use as a prior offense, violation, or infraction.

191 13. The court shall make available a form for pro se petitioners seeking expungement,
192 which shall include the following statement: "I declare under penalty of perjury that the
193 statements made herein are true and correct to the best of my knowledge, information, and
194 belief."

195 14. Nothing in this section shall be construed to limit or restrict the availability of
196 expungement to any person under any other law.

~~[575.200. 1. A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any offense or violation of probation or parole, he or she escapes or attempts to escape from custody.~~

~~2. The offense of escape or attempted escape from custody is a class A misdemeanor unless:~~

~~(1) The person escaping or attempting to escape is under arrest for a felony, in which case it is a class E felony; or~~

~~(2) The offense is committed by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case it is a class A felony.]~~

