

HCS HBs 2555 & 2108 -- EXPUNGEMENT

SPONSOR: Hicks

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 13 to 0. Action was postponed by the Standing Committee on Rules- Legislative Oversight. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 2555.

This bill establishes an automatic record-clearing process for the closing of certain records not excluded from eligibility for expungement and offenses for which the Governor has granted a full pardon, beginning August 28, 2027. An individual may be granted more than one expungement under this bill, subject to specified parameters and exceptions. Beginning August 28, 2027, the Office of State Courts Administrator (OSCA) must identify and transmit to the central repository all records of charges and convictions eligible for expungement within 30 days of the record becoming eligible for expungement without petition. If a record is eligible for expungement on or before August 28, 2024, it must be identified and expunged by August 28, 2029. If a circuit court determines a record is not eligible for expungement without petition, the court must notify OSCA within 30 days and specify the reasons upon which the court relied to make the determination.

If a court finds, after a motion, a conviction was improperly or erroneously expunged under this bill, the court must reinstate the conviction.

Beginning August 28, 2027, OSCA must report yearly certain data to the Judiciary committees of the Senate and the House of Representatives. A credit bureau may report records of arrests, indictments pending trial, and convictions for no more than seven years from the date of release or parole. A credit bureau may no longer report such records if, at any time after conviction, indictment, or arrest, it is learned that a full pardon or expungement has been granted for such conviction.

Lastly, the bill creates the "Missouri Expungement Fund", which is dedicated to the creation, operation, and maintenance of the program.

This bill is similar to HB 352 (2023).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that this legislation creates an automated expungement procedure that alleviates judicial inefficiencies in the current law. The current expungement process is very difficult and costly for applicants. Applicants must hire an attorney which can add up to thousands of dollars in charges. This cost has resulted in many individuals that are eligible for expungement deciding not to go through with the process. This legislation ensures that a process is in place that incurs the least amount of costs for those seeking expungement. Supporters also say that the harm done by a sentence should never exceed the harm caused by the crime. Currently, minor sentences can feel like life sentences due to the continued loss of job and housing opportunities because of an individual's criminal record. The use of background checks has made it nearly impossible for individuals with a criminal record to find work. Making the expungement process easier would allow individuals with expungement eligible criminal records to take advantage of opportunities that are currently not available to them. This legislation would allow these individuals to return to the workforce and would create billions of dollars in taxable income. Many of the individuals that are not financially able to go through the expungement process are disadvantaged. These individuals deserve a second chance and this legislation allows them to pursue that chance.

Testifying in person for the bill were Representative Hicks; The Builders - A Chapter of AGC; Missouri Catholic Conference; Dream.Org; Missouri State Conference of the NAACP; Missouri Association of Criminal Defense Lawyers; American Civil Liberties Union of Missouri; Arnie Dienoff; Francie Marion; Jacquelyn Huebbe, Sugar Bot Sweet Shop & Creamery; Paraquad, Incorporated; Missouri Appleseed; Missouri Chamber of Commerce & Industry; Keith Den Hollander, Christian Coalition; Mallory Rusch, Empower Missouri; Marieta Ortiz; Michelle Smith; Noah Bein, Justice Action Network; Patrick Benson; Rebecca Blacklock-Ludy, Powerhouse Community Development Corporation; and Reverend Darryl Gray, Missouri Baptist State Convention of Missouri.

**OPPONENTS:** Those who oppose the bill say that their opposition is based on the mechanics of the legislation. Based on the time line and the requirements in the legislation, those who oppose don't believe everything the legislation requires can be implemented in the time allotted.

Testifying in person against the bill was the Judicial Conference of Missouri.

OTHERS: Others testifying on the bill say that this legislation is not realistic. Implementation of the legislation would require a huge amount of resources and there is no such thing as automatic expungement. Clerks would have to physically enter and search for expungement eligible records. This process would require thousands of man hours and would necessitate the hiring of dozens of new clerks to ensure the time line established in the legislation is adhered to. This is not to mention the current expungement workload that clerks are currently working through in regards to expungement for marijuana charges. The legislation is just not financially or temporally feasible.

Testifying in person on the bill was Bryan Feemster, Greene County Circuit Clerk.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.