

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 953
103RD GENERAL ASSEMBLY

0162H.08C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 21.880, 565.030, and 610.140, RSMo, and to enact in lieu thereof seven new sections relating to proceedings resulting from criminal conduct.

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

Section A. Sections 21.880, 565.030, and 610.140, RSMo, are repealed and seven
2 new sections enacted in lieu thereof, to be known as sections 21.880, 476.411, 565.030,
3 610.140, 610.141, 610.143, and 610.144, to read as follows:

21.880. 1. There is hereby established a permanent joint committee of the general
2 assembly, which shall be known as the "Joint Committee on the Justice System" and shall be
3 composed of the following members:

4 (1) The chairs of the senate and house committees on the judiciary;

5 (2) The ranking minority members of the senate and house committees on the
6 judiciary;

7 (3) Two members of the senate appointed by the president pro tempore of the senate,
8 one of whom shall be a member of the senate committee on appropriations;

9 (4) The chair of the house committee with jurisdiction over matters relating to
10 criminal laws, law enforcement, and public safety;

11 (5) The chair of the house committee with jurisdiction over matters relating to state
12 correctional institutions;

13 (6) A member of the senate appointed by the minority floor leader of the senate;

14 (7) A member of the house of representatives appointed by the minority floor leader
15 of the house of representatives;

16 (8) Three nonvoting ex officio members who shall be the chief justice of the Missouri
17 supreme court, the state auditor, and the attorney general, or their designees.

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.

18 2. No more than three members from each house shall be of the same political party.

19 3. The joint committee shall meet within thirty days after its creation and organize by
20 selecting a chair and vice chair, one of whom shall be the senate judiciary chair and one of
21 whom shall be the house judiciary chair. The positions of chair and vice chair shall alternate
22 every two years thereafter between the senate and house. After its organization, the
23 committee shall meet regularly, at least twice a year, at such time and place as the chair
24 designates, including locations other than Jefferson City. A majority of the members of the
25 committee shall constitute a quorum, but the concurrence of a majority of the members, other
26 than the ex officio members, shall be required for the determination of any matter within the
27 committee's duties.

28 4. In order to promote the effective administration of justice and public safety, it shall
29 be the duty of the joint committee to:

30 (1) Review and monitor:

31 (a) The state's justice system;

32 (b) The state's criminal laws, law enforcement, and public safety;

33 (c) The state's correctional institutions and penal and correctional issues; and

34 (d) All state government efforts related to terrorism, bioterrorism, and homeland
35 security;

36 (2) Receive reports from the judicial branch, state or local government agencies or
37 departments, and any entities attached to them for administrative purposes;

38 (3) Conduct an ongoing study and analysis of the state's justice system and related
39 issues;

40 (4) Determine the need for changes in statutory law, rules, policies, or procedures;

41 (5) Make any recommendations to the general assembly for legislative action; and

42 (6) Perform other duties authorized by concurrent resolution of the general assembly.

43 5. By January 15, 2016, and every year thereafter, it shall be the duty of the joint
44 committee to file with the general assembly a report of its activities, along with any findings
45 or recommendations the committee may have for legislative action.

46 6. The joint committee shall establish a permanent subcommittee on the Missouri
47 criminal code, which shall conduct and supervise a continuing program of revision designed
48 to maintain the cohesiveness, consistency, and effectiveness of the criminal laws of the state.
49 In connection with this program, the committee may select an advisory committee on the
50 Missouri criminal code, composed of a representative of the Missouri supreme court, a
51 representative of the office of the attorney general, and other individuals known to be
52 interested in the improvement of the state's criminal laws, and may authorize the payment of
53 any actual and necessary expenses incurred by such members while attending meetings with
54 the committee or the subcommittee on the Missouri criminal code. The subcommittee on the

55 Missouri criminal code shall present to the general assembly in each tenth year such criminal
56 code revision bills as it finds appropriate to accomplish its purpose.

57 7. The joint committee may make reasonable requests for staff assistance from the
58 research and appropriations staffs of the senate and house and the joint committee on
59 legislative research, and may employ such personnel as it deems necessary to carry out the
60 duties imposed by this section, within the limits of any appropriation for such purpose. In the
61 performance of its duties, the committee may request assistance or information from all
62 branches of government and state departments, agencies, boards, commissions, and offices.

63 8. The members of the committee shall serve without compensation, but any actual
64 and necessary expenses incurred in the performance of the committee's official duties by the
65 joint committee, its members, and any staff assigned to the committee shall be paid from the
66 joint contingent fund.

67 **9. (1) The joint committee shall establish an advisory committee on**
68 **expungement and record clearing, whose purpose it shall be to:**

69 **(a) Review current Missouri laws on expungement, record clearing, or record**
70 **sealing and make recommendations for statutory revisions to harmonize such laws and**
71 **streamline the procedures for expungement or record sealing; and**

72 **(b) Determine what investments in technology, time line, and resources would be**
73 **needed to implement a technology-assisted, state-initiated bulk expungement or sealing**
74 **of records relating to criminal offenses without the filing of a petition.**

75 **(2) The advisory committee shall be composed of the following members:**

76 **(a) The superintendent of the Missouri state highway patrol or a designee of the**
77 **superintendent;**

78 **(b) The state courts administrator or a designee of the state courts**
79 **administrator;**

80 **(c) The chair of the Missouri court automation committee established under**
81 **section 476.055 or a designee of the chair;**

82 **(d) The executive director of the Missouri office of prosecution services or a**
83 **designee of the executive director;**

84 **(e) The director of the office of state public defender or a designee of the**
85 **director;**

86 **(f) A representative of an advocacy group that represents or assists the people of**
87 **Missouri with expungements; and**

88 **(g) Any other individuals or representatives of organizations, as recommended**
89 **by the chair or vice chair of the joint committee.**

90 **(3) The chair of the joint committee on the justice system shall convene the first**
91 **meeting of the advisory committee and designate a chair of the advisory committee, who**
92 **shall thereafter determine the times and places for the advisory committee to meet.**

93 **(4) By September 1, 2026, the advisory committee shall submit a report to the**
94 **chair and vice chair of the joint committee on the justice system, for distribution to the**
95 **members of the general assembly, which report shall include:**

96 **(a) Recommendations for any proposals for statutory revisions, including a draft**
97 **of such proposed revisions in bill form, to harmonize Missouri laws on expungement or**
98 **record sealing and streamline the procedures for petition-based expungement or record**
99 **sealing; and**

100 **(b) Recommendations for any proposals for statutory revisions, including a draft**
101 **of such proposed revisions in bill form, and estimates of appropriations necessary to**
102 **implement a technology-assisted, state-initiated bulk expungement or sealing of records**
103 **relating to offenses without the filing of a petition.**

104

105 **The chair and vice chair of the joint committee on the justice system shall cause the**
106 **report of the advisory committee to be distributed to the members of the general**
107 **assembly.**

476.411. Beginning January 1, 2030, and each year thereafter, the office of state
2 **courts administrator shall submit a report to the joint committee on the justice system,**
3 **the house judiciary committee or any successor committee, and the senate judiciary and**
4 **civil and criminal jurisprudence committee or any successor committee providing**
5 **statistical information for the prior year, arranged by judicial circuit and county, of:**

6 **(1) The number of clean slate eligible offenses as defined under section 610.141**
7 **identified by the office of state courts administrator under subsection 2 of section**
8 **610.141 and transmitted to the courts;**

9 **(2) The number of identified clean slate eligible offenses to which a prosecuting**
10 **attorney filed an objection under subsection 3 of section 610.141;**

11 **(3) The number of records transmitted from the Missouri state highway patrol, a**
12 **prosecuting agency, or a circuit court back to the office of state courts administrator on**
13 **objection that the record is not eligible for automated expungement or by judicial**
14 **circuit, with data aggregated by race, sex, age, county, and offense type and level; and**

15 **(4) The number of orders of expungement issued under section 610.141.**

16

17 **The data shall be aggregated by race, sex, age, circuit, county, and offense type and level**
18 **if such data is available.**

2 565.030. 1. Where murder in the first degree is charged but not submitted or where
3 the state waives the death penalty, the submission to the trier and all subsequent proceedings
4 in the case shall proceed as in all other criminal cases.

5 2. Where murder in the first degree is submitted to the trier without a waiver of the
6 death penalty, the trial shall proceed in two stages before the same trier. At the first stage the
7 trier shall decide only whether the defendant is guilty or not guilty of any submitted offense.
8 The issue of punishment shall not be submitted to the trier at the first stage. If an offense is
9 charged other than murder in the first degree in a count together with a count of murder in the
10 first degree, the trial judge shall assess punishment on any such offense according to law, after
11 the defendant is found guilty of such offense and after he finds the defendant to be a prior
12 offender pursuant to chapter 558.

13 3. If murder in the first degree is submitted and the death penalty was not waived but
14 the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall
15 proceed as in all other criminal cases. The attorneys may then argue as in other criminal cases
16 the issue of punishment, after which the trier shall assess and declare the punishment as in all
17 other criminal cases.

18 4. If the trier at the first stage of a trial where the death penalty was not waived finds
19 the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at
20 which the only issue shall be the punishment to be assessed and declared. Evidence in
21 aggravation and mitigation of punishment, including but not limited to evidence supporting
22 any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section
23 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence
24 may include, within the discretion of the court, evidence concerning the murder victim and
25 the impact of the offense upon the family of the victim and others. Rebuttal and surrebuttal
26 evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall
27 be instructed on the law. The attorneys may then argue the issue of punishment to the jury,
28 and the state shall have the right to open and close the argument. The trier shall assess and
29 declare the punishment at life imprisonment without eligibility for probation, parole, or
30 release except by act of the governor:

31 (1) If the trier finds by a preponderance of the evidence that the defendant is
32 intellectually disabled; or

33 (2) If the trier does not find beyond a reasonable doubt at least one of the statutory
34 aggravating circumstances set out in subsection 2 of section 565.032; or

35 (3) If the trier ~~[concludes that there is evidence in mitigation of punishment, including~~
36 ~~but not limited to evidence supporting the statutory mitigating circumstances listed in~~
37 ~~subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation~~
of punishment found by the trier] does not determine by unanimous vote that the

38 **aggravating circumstance or circumstances previously found outweigh the mitigating**
39 **circumstance or circumstances including, but not limited to, those mitigating**
40 **circumstances set out in subsection 3 of section 565.032; or**

41 (4) If the trier decides under all of the circumstances not to assess and declare the
42 punishment at death. If the trier is a jury it shall be so instructed.

43

44 If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set
45 out in writing the aggravating circumstance or circumstances listed in subsection 2 of section
46 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed
47 before the case is submitted that if it is unable to decide or agree upon the punishment the
48 court shall assess and declare the punishment at life imprisonment without eligibility for
49 probation, parole, or release except by act of the governor ~~[or death. The court shall follow~~
50 ~~the same procedure as set out in this section whenever it is required to determine punishment~~
51 ~~for murder in the first degree].~~

52 5. Upon written agreement of the parties and with leave of the court, the issue of the
53 defendant's intellectual disability may be taken up by the court and decided prior to trial
54 without prejudicing the defendant's right to have the issue submitted to the trier of fact as
55 provided in subsection 4 of this section.

56 6. As used in this section, the terms "intellectual disability" or "intellectually
57 disabled" refer to a condition involving substantial limitations in general functioning
58 characterized by significantly subaverage intellectual functioning with continual extensive
59 related deficits and limitations in two or more adaptive behaviors such as communication,
60 self-care, home living, social skills, community use, self-direction, health and safety,
61 functional academics, leisure and work, which conditions are manifested and documented
62 before eighteen years of age.

63 7. The provisions of this section shall only govern offenses committed on or after
64 August 28, 2001.

610.140. 1. For the purposes of this section, the following terms mean:

2 (1) "Court", any Missouri municipal, associate circuit, or circuit court;

3 (2) "Crime", any offense, violation, or infraction of Missouri state, county, municipal,
4 or administrative law;

5 (3) "Prosecutor" or "prosecuting attorney", the prosecuting attorney, circuit attorney,
6 or municipal prosecuting attorney.

7 2. (1) Notwithstanding any other provision of law and subject to the provisions of
8 this section, any person may apply to any court in which such person was charged or found
9 guilty of any crimes for an order to expunge records of such arrest, plea, trial, or conviction.

10 (2) Subject to the limitations of subsection 13 of this section, a person may apply to
11 have one or more crimes expunged if each such crime occurred within the state of Missouri
12 and was prosecuted under the jurisdiction of a Missouri court, so long as such person lists all
13 the crimes he or she is seeking to have expunged in the petition and so long as all such crimes
14 are not excluded under subsection 3 of this section.

15 (3) If the crimes sought to be expunged were committed as part of the same course of
16 criminal conduct, the person may include all such related crimes in the petition, regardless of
17 the limits of subsection 13 of this section, and those related crimes shall only count as the
18 highest level for the purpose of determining current and future eligibility for expungement.

19 3. The following crimes shall not be eligible for expungement under this section:

20 (1) Any class A felony offense;

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

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

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

24 (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault;
25 or felony offense of kidnapping;

26 (6) Any offense listed, previously listed, or is a successor to an offense in chapter 566
27 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.385,
28 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.120, 565.130, 565.156, 566.093,
29 566.111, 566.115, 566.116, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.175,
30 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090,
31 570.180, 570.223, 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150,
32 573.200, 573.205, 574.070, 574.105, 574.115, 574.120, 574.130, 574.140, 575.040, 575.095,
33 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240,
34 575.353, 577.078, 577.703, 577.706, or 632.520;

35 (7) Any offense eligible for expungement under section 610.130;

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

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

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

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

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

53 5. 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 crime for which the petitioner is requesting expungement;

61 (3) The approximate date the petitioner was charged for each crime; and

62 (4) The name of the county where the petitioner was charged for each crime and if
63 any of the crimes occurred in a municipality, the name of the municipality for each crime; and

64 (5) The case number and name of the court for each crime.

65 6. The clerk of the court shall give notice of the filing of the petition to the office of
66 the prosecuting attorney that prosecuted the crimes listed in the petition. If the prosecuting
67 attorney objects to the petition for expungement, he or she shall do so in writing within thirty
68 days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold
69 a hearing within sixty days after any written objection is filed, giving reasonable notice of the
70 hearing to the petitioner. If no objection has been filed within thirty days after receipt of
71 service, the court may set a hearing on the matter and shall give reasonable notice of the
72 hearing to each entity named in the petition. At any hearing, the court may accept evidence
73 and hear testimony on, and may consider, the following criteria for each of the crimes listed in
74 the petition for expungement:

75 (1) At the time the petition is filed, it has been at least three years if the offense is a
76 felony, or at least one year if the offense is a misdemeanor, municipal violation, or infraction,
77 from the date the petitioner completed any authorized disposition imposed under section
78 557.011 for each crime listed in the petition;

79 (2) At the time the petition is filed, the person has not been found guilty of any other
80 misdemeanor or felony, not including violations of the traffic regulations provided under

81 chapters 301, 302, 303, 304, and 307, during the time period specified for the underlying
82 crime in subdivision (1) of this subsection;

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

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

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

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

90

91 A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5)
92 and (6) of this subsection shall create a rebuttable presumption that the expungement is
93 warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are
94 otherwise satisfied. The burden shall shift to the prosecuting attorney or circuit attorney to
95 rebut the presumption. A victim of a crime listed in the petition shall have an opportunity to
96 be heard at any hearing held under this section. A court may find that the continuing impact
97 of the offense upon the victim rebuts the presumption that expungement is warranted.

98 7. A petition to expunge records related to an arrest for an eligible crime may be made
99 in accordance with the provisions of this section to a court of competent jurisdiction in the
100 county where the petitioner was arrested no earlier than eighteen months from the date of
101 arrest; provided that, during such time, the petitioner has not been charged and the petitioner
102 has not been found guilty of any misdemeanor or felony offense.

103 8. If the court determines that such person meets all the criteria set forth in subsection
104 6 of this section for each of the crimes listed in the petition for expungement, the court shall
105 enter an order of expungement. In all cases under this section, the court shall issue an order
106 of expungement or dismissal within six months of the filing of the petition. A copy of the
107 order of expungement shall be provided to the petitioner and each entity possessing records
108 subject to the order, and, upon receipt of the order, each entity shall close any record in its
109 possession relating to any crime listed in the petition, in the manner established by section
110 610.120. The records and files maintained in any administrative or court proceeding in a
111 municipal, associate, or circuit court for any crime ordered expunged under this section shall
112 be confidential and only available to the parties or by order of the court for good cause shown.
113 The central repository shall request the Federal Bureau of Investigation to expunge the
114 records from its files.

115 9. The order shall not limit any of the petitioner's rights that were restricted as a
116 collateral consequence of such person's criminal record, and such rights shall be restored
117 upon issuance of the order of expungement. Except as otherwise provided under this section,

118 the effect of such order shall be to fully restore the civil rights of such person to the status he
119 or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never
120 taken place. This includes fully restoring the civil rights of a person to the right to vote, the
121 right to hold public office, and to serve as a juror. For purposes of 18 U.S.C. Section 921(a)
122 (33)(B)(ii), an order of expungement granted pursuant to this section shall be considered a
123 complete removal of all effects of the expunged conviction. Except as otherwise provided
124 under this section, the effect of such order shall be to restore such person to the status he or
125 she occupied prior to such arrests, pleas, trials, or convictions as if such events had never
126 taken place. No person as to whom such order has been entered shall be held thereafter under
127 any provision of law to be guilty of perjury or otherwise giving a false statement by reason of
128 his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or
129 expungement in response to an inquiry made of him or her and no such inquiry shall be made
130 for information relating to an expungement, except the petitioner shall disclose the expunged
131 crime to any court when asked or upon being charged with any subsequent crime. The
132 expunged crime may be considered a prior offense in determining a sentence to be imposed
133 for any subsequent offense that the person is found guilty of committing.

134 10. Notwithstanding the provisions of subsection 9 of this section to the contrary, a
135 person granted an expungement shall disclose any expunged crime when the disclosure of
136 such information is necessary to complete any application for:

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

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

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

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

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

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

152

153 An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this
154 subsection. Notwithstanding any provision of law to the contrary, an expunged crime shall

155 not be grounds for automatic disqualification of an applicant, but may be a factor for denying
156 employment, or a professional license, certificate, or permit; except that, a crime expunged
157 under the provisions of this section may be grounds for automatic disqualification if the
158 application is for employment under subdivisions (4) to (6) of this subsection.

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

167 12. If the court determines that the petitioner has not met the criteria for any of the
168 crimes listed in the petition for expungement or the petitioner has knowingly provided false
169 information in the petition, the court shall enter an order dismissing the petition. Any person
170 whose petition for expungement has been dismissed by the court for failure to meet the
171 criteria set forth in subsection 6 of this section may not refile another petition until a year has
172 passed since the date of filing for the previous petition.

173 13. A person may be granted more than one expungement under this section provided
174 that during his or her lifetime, the total number of crimes for which orders of expungement
175 are granted to the person shall not exceed the following limits:

176 (1) Not more than three misdemeanor offenses or ordinance violations that have an
177 authorized term of imprisonment; and

178 (2) Not more than two felony offenses.

179

180 A person may be granted expungement under this section for any number of infractions.
181 Nothing in this section shall be construed to limit or impair in any way the subsequent use of
182 any record expunged under this section of any arrests or findings of guilt by a law
183 enforcement agency, criminal justice agency, prosecuting attorney or circuit attorney,
184 including its use as a prior crime.

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

189 15. Nothing in this section shall be construed to limit or restrict the availability of
190 expungement to any person under any other law. **Any person eligible for expungement**

191 under section 610.141 who has filed a petition for expungement under this section shall
192 be granted an expungement, subject to subsection 3 of section 610.141.

610.141. 1. As used in this section, section 610.140, and sections 610.143 and
2 610.144, unless the context otherwise indicates, the following terms mean:

3 (1) "Automated expungement", technology-assisted, state-initiated bulk closing
4 of records in the manner established under section 610.120;

5 (2) "Central repository", the Missouri state highway patrol central repository
6 for compiling and disseminating complete and accurate criminal history records;

7 (3) "Clean slate eligible offense", a misdemeanor or felony not listed under
8 subsection 3 of section 610.140 for which an electronic record exists in the statewide
9 court automation case system;

10 (4) "Close" or "closed", to make records inaccessible to the general public and
11 to all individuals other than the defendant, except as provided under section 610.120
12 and chapter 43;

13 (5) "Expunge" or "expunged", to close a record in the manner established under
14 section 610.120, except the provisions of subsection 2 of section 610.120 that require
15 documents to be retyped and rewritten, or blacked out and recopied, if an agency
16 determines that these provisions are not feasible in relation to automated expungement;

17 (6) "Final disposition", the date the person has completed his or her
18 incarceration, probation, or parole;

19 (7) "Petitioner", a person who has petitioned the court to have his or her
20 conviction or convictions expunged or a person whose conviction or convictions have
21 been automatically expunged under this section.

22 2. (1) Subject to the provisions in subdivision (2) of subsection 3 of this section,
23 all electronic records and files maintained in the statewide court automation case
24 management system pertaining to clean slate eligible offenses shall be closed in the
25 manner established under section 610.120 without the filing of a petition under section
26 610.140 in the following cases, subject to the limitations contained in subdivisions (2),
27 (3), and (4) of this subsection:

28 (a) For cases in which the imposition of sentence has been suspended, if an
29 individual has successfully completed probation, so long as one year has passed since
30 final disposition and the individual has not committed any felony or misdemeanor
31 criminal offense in Missouri during that time;

32 (b) For misdemeanors, if one year has passed since final disposition and the
33 individual has not committed any felony or misdemeanor criminal offense in Missouri
34 during that time;

35 (c) For felony offenses, if three years have passed since final disposition and the
36 individual has not committed any felony or misdemeanor criminal offense in Missouri
37 during that time;

38 (d) For all of an individual's offenses, if the individual has attained sixty-five
39 years of age and has not been convicted of any misdemeanors or felonies in Missouri
40 other than a technical violation of the terms of his or her probation or parole in the ten
41 immediately preceding years; or

42 (e) All offenses for which the governor of Missouri has granted a full pardon.

43 (2) Records pertaining to juvenile adjudications or offenses involving the
44 operation of a motor vehicle are not eligible for automated expungement.

45 (3) No offense shall be eligible for automated expungement if a person has
46 charges pending that have been filed in a Missouri state court for which an individual
47 has not yet been sentenced during the period of review for clean slate eligibility as
48 described in subsection 3 of this section.

49 (4) (a) An individual may be granted more than one expungement under this
50 section, except that during his or her lifetime the total number of offenses for which
51 expungement can be granted to the individual under this section or section 610.140 shall
52 not exceed the following limits:

53 a. No more than two felony offenses; and

54 b. No more than three misdemeanor offenses.

55 (b) If an individual's electronic record contains more felonies or misdemeanors
56 than can be expunged during the individual's lifetime under paragraph (a) of this
57 subdivision, the individual shall not be eligible for automated expungement under this
58 section.

59 (c) For purposes of determining lifetime limits on expungement under this
60 section and section 610.140:

61 a. If the offenses were charged as counts in the same case, all such offenses and
62 violations shall count as only the highest-level offense in that case for purposes of
63 determining lifetime limits on expungement under this section and section 610.140.
64 However, if one or more counts in the same indictment or information or conduct
65 committed were a part of the same course of criminal conduct as an offense listed in
66 subsection 3 of section 610.140, the entire record shall not be expunged under this
67 section;

68 b. If the offenses were committed by an individual who has attained sixty-five
69 years of age and has not been convicted of any misdemeanors or felonies in the
70 immediate ten preceding years in Missouri, all clean slate eligible offenses shall be
71 expunged; and

72 c. Only convictions contained within the statewide court automation case
73 management system shall be considered when determining eligibility under this section.

74 (d) The court shall maintain records to ensure that a person has not exceeded the
75 limitations provided under this subsection. Nothing in this section shall be construed to
76 limit or impair the subsequent use of any record maintained by the court for the
77 purpose of any law enforcement or prosecutorial investigation or activity, including any
78 arrest or findings of guilt expunged under this section by a law enforcement agency,
79 criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting
80 attorney, including its use as a prior offense in a subsequent criminal or civil
81 investigation or prosecution.

82 3. (1) On a quarterly basis, the office of state courts administrator shall identify
83 records that have become eligible in the last quarter and transmit, or otherwise make
84 accessible by electronic means, to the central repository and every prosecuting agency in
85 the state all clean slate eligible offense records within one hundred days of the record
86 becoming eligible for automated expungement.

87 (2) (a) For any person who is convicted for the first time of a clean slate eligible
88 offense before August 28, 2014, the person's record or records shall be eligible for
89 expungement beginning August 28, 2035, in accordance with the provisions of this
90 section.

91 (b) For any person who is convicted for the first time of a clean slate eligible
92 offense on or after August 28, 2014, but before August 28, 2024, the person's record or
93 records shall be eligible for expungement beginning August 28, 2033, in accordance with
94 the provisions of this section.

95 (c) For any person who is convicted for the first time of a clean slate eligible
96 offense on or after August 28, 2024, but before August 28, 2029, the person's record or
97 records shall be eligible for expungement beginning August 28, 2031, in accordance with
98 the provisions of this section.

99 (d) For any person who is convicted for the first time of a clean slate eligible
100 offense on or after August 28, 2029, the person's record or records shall be eligible for
101 expungement beginning August 28, 2029, in accordance with the provisions of this
102 section.

103 (3) Delinquent court costs, fines, fees, or other sums ordered by a court, except
104 restitution owed to a victim of a crime, shall not be considered by the office of state
105 courts administrator when determining eligibility of a record for automated
106 expungement under subsection 2 of this section. However, the office of state courts
107 administrator may seek a setoff of any income tax refund and lottery prize payouts

108 under section 488.5028 for all delinquent court costs, fines, fees, or other sums ordered
109 by a court relating to convictions expunged under subsection 2 of this section.

110 (4) Each prosecuting agency in this state has no more than sixty days from the
111 day on which the notice described in subdivision (1) of this subsection is transmitted, or
112 otherwise made accessible by electronic means, to object to an automated expungement
113 and transmit such objection to the office of state courts administrator and the central
114 repository. The prosecuting agency may object to the automated expungement for any
115 of the following reasons:

116 (a) After reviewing the prosecuting agency's record, the agency believes the
117 record does not meet the definition of a clean slate eligible offense;

118 (b) The person has not paid court-ordered restitution to the victim; or

119 (c) The person has charges pending against them in another case in Missouri.

120 (5) If a prosecuting agency objects for a reason described in subdivision (4) of
121 this subsection, within sixty days of the day on which the notice described in subdivision
122 (1) of this subsection is transmitted, or otherwise made accessible by electronic means,
123 the record shall not be expunged.

124 (6) The central repository has no more than sixty days from the day on which the
125 notice described in subdivision (1) of this subsection is transmitted, or otherwise made
126 accessible by electronic means, to object to an automated expungement and transmit
127 such objection to the office of state courts administrator and the relevant prosecutors.
128 The central repository may object to the automated expungement if the agency believes
129 the record does not meet the definition of a clean slate eligible offense based on their
130 available data.

131 (7) If the central repository objects for a reason described in subdivision (6) of
132 this subsection, within sixty days of the day on which the notice described in subdivision
133 (1) of this subsection is transmitted, or otherwise made accessible by electronic means,
134 the record shall not be expunged.

135 (8) If sixty days have passed without an objection from a prosecuting agency or
136 the central repository for one of the reasons set forth under this subsection, the office of
137 state courts administrator shall transmit, or otherwise make accessible by electronic
138 means, within fifteen days all the records to be expunged, sorted by circuit, to the
139 presiding judges of every circuit court in Missouri.

140 (9) Within thirty days of receiving a notice to expunge, the circuit court shall
141 issue orders for expungement of all records maintained in the circuit.

142 (10) On a quarterly basis, each circuit court shall transmit, or otherwise make
143 accessible by electronic means, copies of all orders for expungement that the court issues
144 under this section to the office of state courts administrator.

145 **(11) Once the transmitted records are expunged, the office of state courts**
146 **administrator shall provide notice to all state agencies maintaining official copies of the**
147 **records including, but not limited to, the appropriate circuit court clerk, the prosecuting**
148 **or circuit attorney, the arresting law enforcement agency or agencies, the department of**
149 **corrections, the central repository, and the department of revenue to expunge the**
150 **records within thirty days. The records and files maintained by any such persons or**
151 **entities pertaining to expunged records shall be held confidential from the date of**
152 **expungement and only made available to the people and for the purposes outlined in**
153 **subdivision (12) of this subsection. With respect to any person including, but not limited**
154 **to, a consumer reporting agency or researcher, who purchases records for information**
155 **pertaining to criminal matters of public record from the office of state courts**
156 **administrator, such office shall make available to the person information concerning the**
157 **criminal matters of public record that have been erased under this section. Such**
158 **information shall include docket numbers or other information sufficient to permit the**
159 **person to accurately identify and delete records that have been erased under this**
160 **section.**

161 **(12) (a) The Missouri state highway patrol shall retain a nonpublic record of the**
162 **order expunging a conviction or other notification regarding a conviction that was**
163 **automatically expunged under this section and of the record of the arrest, fingerprints,**
164 **conviction, and sentence of the person in the case to which the order or other**
165 **notification applies. The nonpublic record shall be made available only to a court of**
166 **competent jurisdiction, an independent department of the judicial branch of state**
167 **government, the department of corrections, a law enforcement agency, a prosecuting**
168 **attorney, the attorney general, or the governor upon request and only for the following**
169 **purposes:**

170 **a. To show that a person who has filed a petition to expunge a conviction has**
171 **previously had a conviction expunged under this section;**

172 **b. The court's consideration in determining the sentence to be imposed upon**
173 **conviction for a subsequent offense that is punishable as a felony or by imprisonment**
174 **for more than one year;**

175 **c. Consideration by the governor if a person whose conviction has been**
176 **expunged applies for a pardon for another offense;**

177 **d. Consideration by the department of corrections or a law enforcement agency**
178 **if a person whose conviction has been expunged applies for employment with the**
179 **department of corrections or a law enforcement agency;**

180 **e. Consideration by a court, law enforcement agency, prosecuting attorney, or**
181 **the attorney general in determining whether a person required to register under**

182 sections 589.400 to 589.425 has committed an offense that requires registration under
183 sections 589.400 to 589.425, or in prosecuting a person for committing an offense
184 requiring registration under sections 589.400 to 589.425;

185 f. Consideration by a court, law enforcement agency, prosecuting attorney, or
186 the attorney general for use in making determinations regarding charges, plea offers,
187 and sentencing, as applicable; or

188 g. Consideration by any entity responsible for issuing commercial driver's
189 licenses for the purpose of meeting state and federal requirements to obtain commercial
190 driver's licenses.

191 (b) A copy of the nonpublic record created under paragraph (a) of this
192 subdivision may be provided upon request to the person whose conviction is expunged
193 under this section upon payment of a fee determined and charged by the Missouri state
194 highway patrol.

195 (c) The nonpublic record maintained under paragraph (a) of this subdivision is
196 exempt from disclosure under this chapter.

197 (d) An entity shall not be liable for damages or subject to criminal penalties for
198 reporting a public record of conviction that has been expunged by court order or
199 operation of law prior to August 28, 2030, if that record was available as a public record
200 on the date of the report.

201 4. Any court sentencing an individual for a clean slate eligible offense shall
202 provide the individual a document outlining the state's clean slate expungement
203 program at the time of sentencing.

204 5. Any probation or parole office releasing an individual from supervision for a
205 clean slate eligible offense shall provide the individual a document outlining the state's
206 clean slate expungement program at the time of sentencing.

207 6. The provisions of this section shall apply retroactively to any arrest, charge,
208 trial, or conviction for which there is an electronic record regardless of the date that the
209 arrest was made, the charge or charges were brought, the trial occurred, or the
210 conviction was entered.

211 7. Nothing in this section precludes an individual from filing a petition for
212 expungement of records under section 610.140 if an individual is eligible for automated
213 expungement under this section but such automated expungement has not yet occurred
214 or cannot occur.

215 8. If it is determined that a conviction was improperly or erroneously expunged
216 under this section because the conviction was not eligible to be expunged under this
217 section, the court shall, on its own motion, reinstate the conviction.

218 **9. (1) Upon the entry of an order under section 610.140, or upon the automated**
219 **expungement of a conviction under this section, the petitioner, for purposes of the law, is**
220 **considered not to have been previously convicted, except as provided under this**
221 **subsection and subsection 10 of section 610.140.**

222 **(2) The petitioner shall not be entitled to the remission of any fine, costs, or other**
223 **moneys paid as a consequence of a conviction that is expunged.**

224 **(3) This section shall not affect the right of the petitioner to rely upon the**
225 **conviction to bar subsequent proceedings for the same offense.**

226 **(4) This section shall not affect the right of a victim of an offense to bring or**
227 **defend a civil action for damages.**

228 **(5) This section shall not create a right to commence an action for damages for**
229 **incarceration under the sentence that the petitioner served before the conviction is**
230 **expunged under this section.**

231 **(6) This section shall not relieve any obligation to pay restitution owed to the**
232 **victim of an offense nor shall such section affect the jurisdiction of the convicting court**
233 **or the authority of any court order with regard to enforcing an order for restitution.**

234 **(7) A conviction, including any records relating to the conviction and any**
235 **records concerning a collateral action, that has been expunged under this section shall**
236 **not be used as evidence in an action for negligent hiring, admission, or licensure against**
237 **any person.**

238 **(8) A conviction that is expunged under this section or section 610.140 may be**
239 **considered a prior conviction by a court, law enforcement agency, prosecuting attorney,**
240 **or the attorney general, as applicable, for purposes of charging a crime as a second or**
241 **subsequent offense or for sentencing under section 558.016.**

610.143. 1. A credit bureau may report records of arrests, indictments pending
2 **trial, and convictions of crimes for no longer than seven years from final disposition.**
3 **Records of arrests, indictments pending trial, and convictions of crimes shall no longer**
4 **be reported if at any time after a conviction it is learned that a full pardon or**
5 **expungement has been granted for that conviction, or at any time after an arrest or**
6 **indictment it is learned that a conviction did not result.**

7 **2. Any credit bureau or user of information that willfully fails to comply with**
8 **any requirement of this section with respect to any consumer is liable to that consumer**
9 **in an amount equal to:**

10 **(1) Any actual damages sustained by the consumer as a result of the failure;**

11 **(2) Punitive damages as the court may allow; and**

12 **(3) In the case of any successful action under this section, costs of the action and**
13 **reasonable attorney's fees as determined by the court.**

14 **3. Any credit bureau or user of information that is negligent in failing to comply**
15 **with any requirement of this section with respect to any consumer is liable to that**
16 **consumer in an amount equal to:**

17 **(1) Any actual damages sustained by the consumer as a result of the failure; and**

18 **(2) In the case of any successful action under this section, costs of the action and**
19 **reasonable attorney's fees as determined by the court.**

20 **4. Injunctive relief shall be available to any consumer aggrieved by a violation or**
21 **a threatened violation of this section regardless of whether the consumer seeks any other**
22 **remedy under this section.**

23 **5. An employer, volunteer organization, or landlord who employs, qualifies, or**
24 **otherwise engages an individual whose criminal history record has been expunged shall**
25 **be immune from liability for any claim arising out of the misconduct of the individual if**
26 **the misconduct relates to the portion of the criminal history record that has been**
27 **expunged.**

28 **6. A person granted an expungement shall disclose any expunged offense if the**
29 **disclosure of such information is necessary to complete any application for employment**
30 **with any:**

31 **(1) Federally insured bank or savings institution or credit union or an affiliate of**
32 **such institution or credit union for the purpose of compliance with 12 U.S.C. Section**
33 **1829 and 12 U.S.C. Section 1785; or**

34 **(2) Entity engaged in the business of insurance or any insurer for the purpose of**
35 **complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law that**
36 **requires an employer engaged in the business of insurance to exclude applicants with**
37 **certain criminal convictions from employment.**

610.144. 1. (1) There is hereby created in the state treasury the "Missouri
2 **Expungement Fund", which shall consist of moneys deposited into the fund from any**
3 **source including, but not limited to, gifts, donations, grants, and bequests. The state**
4 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
5 **the state treasurer may approve disbursements. The fund shall be a dedicated fund and,**
6 **upon appropriation, moneys in this fund shall be used solely as provided in subsection 2**
7 **of this section.**

8 **(2) The state treasurer shall invest moneys in the fund in the same manner as**
9 **other funds are invested. Any interest and moneys earned on such investments shall be**
10 **credited to the fund.**

11 **2. The office of state courts administrator, the department of public safety, and**
12 **the information technology services division within the office of administration shall**
13 **expend moneys from the fund, upon appropriation, on the statewide court automation**

14 **system and the Missouri criminal history record information system established under**
15 **sections 43.500 to 43.530 for one or more of the following purposes:**

16 **(1) Expenses that may be incurred to develop, establish, maintain, or operate**
17 **any information technology equipment, software, systems, or services associated with**
18 **the expungement or closing of records under Missouri law, including the development**
19 **and implementation of any technology-assisted, state-initiated bulk expungement or**
20 **sealing of records under Missouri law; or**

21 **(2) The cost of necessary personnel or contractors.**

22

23 **The office of state courts administrator, the department of public safety, and the**
24 **information technology services division within the office of administration shall each**
25 **receive one-third of any total amount appropriated from the fund for a fiscal year.**

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