

HCS HB 953 -- PROCEEDINGS RESULTING FROM CRIMINAL CONDUCT

SPONSOR: Davidson

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Economic Development by a vote of 13 to 0 with 1 voting present. Voted to return to the committee of origin by the Standing Committee on Rules-Administrative by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for HB 953.

Currently, in a criminal prosecution for murder in the first degree, the court must instruct the jury that, in the event it cannot reach a consensus on punishment, the court may assess punishment including death. This bill repeals that provision and provides a procedure for when a jury cannot reach a unanimous decision on punishment.

The bill also establishes an automatic record-clearing process, beginning August 28, 2030, for closing of records pertaining to a "clean slate eligible offense", which is an offense not excluded from eligibility for expungement and offenses for which the Governor has granted a full pardon. An individual can be granted more than one expungement under this bill, subject to specified parameters and exceptions. Beginning August 28, 2030, 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 automatic expungement. If a record is eligible for expungement on or before August 28, 2025, it must be identified and expunged by August 28, 2030. If a circuit court determines a record is not eligible for expungement without a 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, 2030, OSCA must report yearly certain data to the Judiciary committees of the Senate and the House of Representatives. A credit bureau can 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 can 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.

This bill provides that a person granted an expungement must disclose any expunged offense if the disclosure of that information is necessary to complete an application for employment with any federally insured bank, savings institution, credit union, or entity engaged in the business of insurance.

The bill creates in the State Treasury the "Missouri Expungement Fund", which is a fund dedicated to the creation, operation, and maintenance of the program.

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

PROPOSERS: Supporters say this bill ensures the decision for a death penalty sentence is left to the jury of peers. Proponents say this bill ensures that if the jury of peers disagrees on a death penalty sentence, judges will not have the ability to override that split decision. Supporters say that if individuals have served their time, there should be a genuine show of good faith that they have done their time and can reintegrate into society. This bill ensures that, once restitution has been paid, time is served, and the formerly incarcerated individual is eligible for expungement, the person will have the ability to reintegrate into society. Proponents also say this bill addresses the issue of previously convicted people ending up homeless and unemployed because criminal records that are eligible for expungement are checked for employment and housing. The current expungement for eligible formerly incarcerated individuals is very slow. This automates the expungement process that is already in law and ensures previously incarcerated individuals are able to reintegrate into the workforce. Supporters say veterans who had a low point are still being judged for that dark point in their lives. This will allow veterans to reenter the workforce. Proponents also say that, by automating the expungement process, this bill would be a boon to Missouri's workforce and economy.

Testifying in person for the bill were Representative Davidson; Tommie Hollins Sr, "NAACP, Unit 4008-B, Pulaski County, Mo"; Angela Viviano; Missouri Budget Project; Builders' of KC a Chapter of The AGC; Rochelle Kaskowitz; Archdiocese of St. Louis Peace & Justice Commission; Mallory Rusch, Empower Missouri; Missouri Chamber of Commerce and Industry; Patty Berger; Patrick Benson; ML Smith, Missouri Justice Coalition; Missouri NAACP; Missourians To Abolish The Death Penalty; Cara Stark, JE Dunn Construction; Jeff Stack, Mid-Mo Fellowship of Reconciliation; Missouri Municipal League; and Missouri Catholic Conference.

OPPONENTS: Those who oppose the bill say that Missouri does not have the tools to implement this process. Opponents say this bill would work for defendant-based systems, but Missouri's system is case-based. The system would have to be reconfigured. Those who oppose the bill also say they find the provision regarding immunity for employers who hire an individual whose criminal record has been expunged to be problematic.

Testifying in person against the bill were Judicial Conference of Missouri; Missouri Association of Trial Attorneys; Arnie C. Dienoff.

OTHERS: Others testifying on the bill say the bill does not have the same language as SB 19. Language will be added about financial institutions and insurance companies.

Testifying in person on the bill were Missouri Bankers Association; and Missouri Insurance Coalition.

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.