

HCS#2 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. Voted "Do Pass with HCS #2" by the Standing Committee on Economic Development by a vote of 12 to 0 with 1 voting present. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 9 to 0.

The following is a summary of the House Committee Substitute #2 for HB 953.

This bill requires the Joint Committee on the Justice System to establish an Advisory Committee on Expungement and Record Clearing. The Advisory Committee will review current Missouri laws on expungement, record clearing, or record sealing, and make recommendations and determine the investments needed regarding harmonizing and streamlining the procedures for these actions, along with the technology needed to streamline the process using technology for records that can be expunged without the filing of a petition. By September 1, 2026, the Advisory Committee must submit a report to the Chair and Vice Chair of the Joint Committee for the distribution to the General Assembly that includes any statutory revisions needed to harmonize and streamline procedures (Section 21.880, RSMo).

The bill specifies that, starting January 1, 2030, the Office of State Courts Administrator (OSCA) must submit an annual report to the Joint Committee on the Justice System, the House Judiciary Committee, and the Senate Judiciary and Civil and Criminal Jurisprudence Committee. This report must include specified statistical information, including the number of eligible offenses identified, the number of records objected to for automatic expungement, and the number of expungement orders issued (Section 476.411).

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 (Section 565.030).

Currently, eligible individuals are allowed to petition a court for the expungement of eligible criminal records. This process

includes a waiting period after the completion of the sentence, the absence of pending charges, and evidence of rehabilitation. The bill provides for an alternative petition process for any person eligible for automatic expungement who has filed a petition for expungement under the current petition process (Section 610.140).

This bill also establishes an automatic record-clearing or expungement process for closing records pertaining to a "clean slate eligible offense", which is an offense not excluded from the eligibility for expungement. This process will be phased in and an individual can be granted more than one expungement under this bill, subject to specified parameters and expectations. This bill also provides that, on a quarterly basis, the OSCA must identify records that have become eligible in the last quarter and make these records accessible to the central repository and every prosecuting agency in the State within 100 days of the record becoming eligible for automated expungement. If a court finds, after a motion, a conviction was improperly or erroneously expunged under this provision, the court must reinstate the conviction (Section 610.141).

The bill provides that 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 these records if at any time after conviction, indictment, or arrest it is learned that a full pardon or expungement has been granted for the conviction (Section 610.143).

This bill creates in the State Treasury the "Missouri Expungement Fund", which is a fund dedicated to the creation, operation, and maintenance of the program. OSCA, the Department of Public Safety, and the Information Technology Services Division within the Office of Administration can expend money from the Fund, upon appropriation (Section 610.144).

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 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; Missouri Budget Project; Builders' of Kc A Chapter of the AGC; Rochelle Kaskowitz; Samuel H. Lee, Archdiocese of St. Louis Peace and 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; 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 Eric D. Jennings, Judicial Conference of Missouri; Missouri Association of Trial Attorneys.

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; 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.