

HB 953 -- PROCEEDINGS RESULTING FROM CRIMINAL CONDUCT

SPONSOR: Davidson

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, 2028, 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, 2028, 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, 2028, 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.

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.