

HCS#2 HB 953 -- PROCEEDINGS RESULTING FROM CRIMINAL CONDUCT  
(Davidson)

COMMITTEE OF ORIGIN: Standing Committee on Economic Development

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).