

HB 1234 -- EXPUNGEMENT

SPONSOR: Terry

This bill provides that, beginning August 28, 2028, all records and files maintained by any court pertaining to clean slate eligible offenses, which are offenses currently eligible for expungement by law, will become closed records without the filing of a petition, subject to certain requirements as provided in the bill. Additionally, this bill provides certain time limitations for when records must be closed and limitations on the amount of offenses which may be expunged, as specified in this bill.

This bill provides that, beginning August 28, 2028, the Office of State Courts Administrator (OSCA) must identify and transfer on a monthly basis all clean slate eligible offense records to the Central Repository and every prosecuting agency in the state within 30 days of the offenses becoming eligible for expungement. All records currently eligible for automated expungement must be expunged by August 28, 2030. The provisions of the bill do not authorize expungement of any delinquent court costs, fines, fees, or other sums ordered by the court. A prosecuting agency may file an objection to the automated expungement within 60 days from notification of expungement by OSCA.

Additionally, OSCA must provide notification of records to be expunged to the presiding judges of every circuit court and the courts must order the expungement of all records eligible for expungement, as provided in the bill. The Missouri State Highway Patrol must keep nonpublic records of expungement available to certain entities. OSCA must create a digital access portal for orders of expungement issued that allows an individual to search for their order for automated expungement to determine if the order was granted.

This bill provides that, for purposes of the law, the petitioner will be considered to have not been previously convicted, except for purposes of the requirement to pay restitution to the victim and other purposes as provided in the bill.

Beginning August 28, 2028, OSCA must report on a yearly basis to both the Senate and House of Representatives Judiciary committees, or equivalent committees, the number of records expunged pursuant to this bill and the number of records transmitted back to OSCA from the Missouri State Highway Patrol, any prosecuting agency, or any circuit court with objections that the record is not eligible for expungement.

This bill provides that a credit bureau may report records of arrests, indictments pending trial, and convictions of crimes for no longer than seven years from final disposition. However, any records that have been expunged or any records of a person who has been granted a pardon will not be reported. Any credit bureau that willfully or negligently violates this bill will be subject to civil penalties.

The bill creates the "Missouri Expungement Fund", which will be used by the Department of Public Safety, the Office of Administration, and OSCA to provide system upgrades, for staffing needs, and to implement the provisions of this bill.

This bill is similar to SB 19 (2025).