

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 2273, 1946, 1814 & 2551, Page 5,
2 Section 67.2540, Line 69, by inserting after said section and line the following:
3

4 "105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist
5 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to
6 such fund pursuant to section 105.716.

7 2. Moneys in the state legal expense fund shall be available for the payment of any claim
8 or any amount required by any final judgment rendered by a court of competent jurisdiction
9 against:

10 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or
11 536.087 or section 537.600;

12 (2) Any officer or employee of the state of Missouri or any agency of the state,
13 including, without limitation, elected officials, appointees, members of state boards or
14 commissions, and members of the Missouri National Guard upon conduct of such officer or
15 employee arising out of and performed in connection with his or her official duties on behalf of
16 the state, or any agency of the state, provided that moneys in this fund shall not be available for
17 payment of claims made under chapter 287;

18 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health
19 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,
20 336, 337 or 338 who is employed by the state of Missouri or any agency of the state under
21 formal contract to conduct disability reviews on behalf of the department of elementary and
22 secondary education or provide services to patients or inmates of state correctional facilities on a
23 part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other
24 health care provider licensed to practice in Missouri under the provisions of chapter 330, 332,
25 334, 335, 336, 337, or 338 who is under formal contract to provide services to patients or
26 inmates at a county jail on a part-time basis;

27 (b) Any physician licensed to practice medicine in Missouri under the provisions of
28 chapter 334 and his professional corporation organized pursuant to chapter 356 who is employed
29 by or under contract with a city or county health department organized under chapter 192 or
30 chapter 205, or a city health department operating under a city charter, or a combined city-county

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1 health department to provide services to patients for medical care caused by pregnancy, delivery,
2 and child care, if such medical services are provided by the physician pursuant to the contract
3 without compensation or the physician is paid from no other source than a governmental agency
4 except for patient co-payments required by federal or state law or local ordinance;

5 (c) Any physician licensed to practice medicine in Missouri under the provisions of
6 chapter 334 who is employed by or under contract with a federally funded community health
7 center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42
8 U.S.C. Section 216, 254c) to provide services to patients for medical care caused by pregnancy,
9 delivery, and child care, if such medical services are provided by the physician pursuant to the
10 contract or employment agreement without compensation or the physician is paid from no other
11 source than a governmental agency or such a federally funded community health center except
12 for patient co-payments required by federal or state law or local ordinance. In the case of any
13 claim or judgment that arises under this paragraph, the aggregate of payments from the state
14 legal expense fund shall be limited to a maximum of one million dollars for all claims arising out
15 of and judgments based upon the same act or acts alleged in a single cause against any such
16 physician, and shall not exceed one million dollars for any one claimant;

17 (d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives no
18 compensation from a nonprofit entity qualified as exempt from federal taxation under Section
19 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health
20 screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or
21 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
22 337, or 338 who provides health care services within the scope of his or her license or
23 registration at a city or county health department organized under chapter 192 or chapter 205, a
24 city health department operating under a city charter, or a combined city-county health
25 department, or a nonprofit community health center qualified as exempt from federal taxation
26 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, excluding federally
27 funded community health centers as specified in paragraph (c) of this subdivision and rural
28 health clinics under 42 U.S.C. Section 1396d(l)(1), if such services are restricted to primary care
29 and preventive health services, provided that such services shall not include the performance of
30 an abortion, and if such health services are provided by the health care professional licensed or
31 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 without compensation. MO
32 HealthNet or Medicare payments for primary care and preventive health services provided by a
33 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,
34 or 338 who volunteers at a community health clinic is not compensation for the purpose of this
35 section if the total payment is assigned to the community health clinic. For the purposes of the
36 section, "community health clinic" means a nonprofit community health center qualified as
37 exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1987, as
38 amended, that provides primary care and preventive health services to people without health

1 insurance coverage. In the case of any claim or judgment that arises under this paragraph, the
2 aggregate of payments from the state legal expense fund shall be limited to a maximum of five
3 hundred thousand dollars, for all claims arising out of and judgments based upon the same act or
4 acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one
5 claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be
6 limited to five hundred thousand dollars. Liability or malpractice insurance obtained and
7 maintained in force by or on behalf of any health care professional licensed or registered under
8 chapter 330, 331, 332, 334, 335, 336, 337, or 338 shall not be considered available to pay that
9 portion of a judgment or claim for which the state legal expense fund is liable under this
10 paragraph;

11 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
12 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental
13 hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing,
14 who provides medical, nursing, or dental treatment within the scope of his license or registration
15 to students of a school whether a public, private, or parochial elementary or secondary school or
16 summer camp, if such physician's treatment is restricted to primary care and preventive health
17 services and if such medical, dental, or nursing services are provided by the physician, dentist,
18 physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or
19 judgment that arises under this paragraph, the aggregate of payments from the state legal
20 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims
21 arising out of and judgments based upon the same act or acts alleged in a single cause and shall
22 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased
23 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;
24 or

25 (f) Any physician licensed under chapter 334, or dentist licensed under chapter 332,
26 providing medical care without compensation to an individual referred to his or her care by a city
27 or county health department organized under chapter 192 or 205, a city health department
28 operating under a city charter, or a combined city-county health department, or nonprofit health
29 center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
30 Code of 1986, as amended, or a federally funded community health center organized under
31 Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section 216, 254c;
32 provided that such treatment shall not include the performance of an abortion. In the case of any
33 claim or judgment that arises under this paragraph, the aggregate of payments from the state
34 legal expense fund shall be limited to a maximum of one million dollars for all claims arising out
35 of and judgments based upon the same act or acts alleged in a single cause and shall not exceed
36 one million dollars for any one claimant, and insurance policies purchased under the provisions
37 of section 105.721 shall be limited to one million dollars. Liability or malpractice insurance
38 obtained and maintained in force by or on behalf of any physician licensed under chapter 334, or

1 any dentist licensed under chapter 332, shall not be considered available to pay that portion of a
2 judgment or claim for which the state legal expense fund is liable under this paragraph;

3 (4) Staff employed by the juvenile division of any judicial circuit;

4 (5) Any attorney licensed to practice law in the state of Missouri who practices law at or
5 through a nonprofit community social services center qualified as exempt from federal taxation
6 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any
7 agency of any federal, state, or local government, if such legal practice is provided by the
8 attorney without compensation. In the case of any claim or judgment that arises under this
9 subdivision, the aggregate of payments from the state legal expense fund shall be limited to a
10 maximum of five hundred thousand dollars for all claims arising out of and judgments based
11 upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand
12 dollars for any one claimant, and insurance policies purchased pursuant to the provisions of
13 section 105.721 shall be limited to five hundred thousand dollars;

14 (6) Any social welfare board created under section 205.770 and the members and
15 officers thereof upon conduct of such officer or employee while acting in his or her capacity as a
16 board member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist,
17 or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335,
18 336, 337, or 338 who is referred to provide medical care without compensation by the board and
19 who provides health care services within the scope of his or her license or registration as
20 prescribed by the board; or

21 (7) Any person who is selected or appointed by the state director of revenue under
22 subsection 2 of section 136.055 to act as an agent of the department of revenue, to the extent that
23 such agent's actions or inactions upon which such claim or judgment is based were performed in
24 the course of the person's official duties as an agent of the department of revenue and in the
25 manner required by state law or department of revenue rules.

26 3. Moneys in the state legal expense fund shall be available for the payment of any claim
27 or any amount required by any final judgment rendered by a court of competent jurisdiction for
28 the purposes of paying judgments arising from claims under section 506.400.

29 4. The department of health and senior services shall promulgate rules regarding contract
30 procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of
31 subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal
32 expense fund or any policy of insurance procured pursuant to the provisions of section 105.721,
33 provided in subsection [7] 8 of this section, shall not apply to any claim or judgment arising
34 under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section.
35 Any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
36 subsection 2 of this section shall be paid by the state legal expense fund or any policy of
37 insurance procured pursuant to section 105.721, to the extent damages are allowed under
38 sections 538.205 to 538.235. Liability or malpractice insurance obtained and maintained in force

1 by any health care professional licensed or registered under chapter 330, 331, 332, 334, 335,
2 336, 337, or 338 for coverage concerning his or her private practice and assets shall not be
3 considered available under subsection ~~[7]~~ 8 of this section to pay that portion of a judgment or
4 claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f)
5 of subdivision (3) of subsection 2 of this section. However, a health care professional licensed or
6 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase liability or
7 malpractice insurance for coverage of liability claims or judgments based upon care rendered
8 under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which
9 exceed the amount of liability coverage provided by the state legal expense fund under those
10 paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
11 this section is repealed or modified, the state legal expense fund shall be available for damages
12 which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
13 subsection 2 of this section is in effect.

14 ~~[4.]~~ 5. The attorney general shall promulgate rules regarding contract procedures and the
15 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.
16 The limitation on payments from the state legal expense fund or any policy of insurance
17 procured pursuant to section 105.721 as provided in subsection ~~[7]~~ 8 of this section shall not
18 apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any
19 claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by
20 the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to
21 the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice
22 insurance otherwise obtained and maintained in force shall not be considered available under
23 subsection ~~[7]~~ 8 of this section to pay that portion of a judgment or claim for which the state
24 legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an
25 attorney may obtain liability or malpractice insurance for coverage of liability claims or
26 judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this
27 section that exceed the amount of liability coverage provided by the state legal expense fund
28 under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of
29 this section is repealed or amended, the state legal expense fund shall be available for damages
30 that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

31 ~~[5.]~~ 6. All payments shall be made from the state legal expense fund by the
32 commissioner of administration with the approval of the attorney general. Payment from the
33 state legal expense fund of a claim or final judgment award against a health care professional
34 licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, described in
35 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against
36 an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services
37 rendered in accordance with the conditions of such paragraphs. In the case of any claim or
38 judgment against an officer or employee of the state or any agency of the state based upon

1 conduct of such officer or employee arising out of and performed in connection with his or her
2 official duties on behalf of the state or any agency of the state that would give rise to a cause of
3 action under section 537.600, the state legal expense fund shall be liable, excluding punitive
4 damages, for:

5 (1) Economic damages to any one claimant; and

6 (2) Up to three hundred fifty thousand dollars for noneconomic damages.
7

8 The state legal expense fund shall be the exclusive remedy and shall preclude any other civil
9 actions or proceedings for money damages arising out of or relating to the same subject matter
10 against the state officer or employee, or the officer's or employee's estate. No officer or
11 employee of the state or any agency of the state shall be individually liable in his or her personal
12 capacity for conduct of such officer or employee arising out of and performed in connection with
13 his or her official duties on behalf of the state or any agency of the state. The provisions of this
14 subsection shall not apply to any defendant who is not an officer or employee of the state or any
15 agency of the state in any proceeding against an officer or employee of the state or any agency of
16 the state. Nothing in this subsection shall limit the rights and remedies otherwise available to a
17 claimant under state law or common law in proceedings where one or more defendants is not an
18 officer or employee of the state or any agency of the state.

19 ~~[6.]~~ 7. The limitation on awards for noneconomic damages provided for in this
20 subsection shall be increased or decreased on an annual basis effective January first of each year
21 in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as
22 published by the Bureau of Economic Analysis of the United States Department of Commerce.
23 The current value of the limitation shall be calculated by the director of the department of
24 commerce and insurance, who shall furnish that value to the secretary of state, who shall publish
25 such value in the Missouri Register as soon after each January first as practicable, but it shall
26 otherwise be exempt from the provisions of section 536.021.

27 ~~[7.]~~ 8. Except as provided in subsection ~~[3]~~ 4 of this section, in the case of any claim or
28 judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an
29 agency of the state, the aggregate of payments from the state legal expense fund and from any
30 policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the
31 limits of liability as provided in sections 537.600 to 537.610. No payment shall be made from
32 the state legal expense fund or any policy of insurance procured with state funds pursuant to
33 section 105.721 unless and until the benefits provided to pay the claim by any other policy of
34 liability insurance have been exhausted.

35 ~~[8.]~~ 9. The provisions of section 33.080 notwithstanding, any moneys remaining to the
36 credit of the state legal expense fund at the end of an appropriation period shall not be
37 transferred to general revenue.

[9-] 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 32, Section 339.100, Line 165, by inserting after said section and line the following:

"506.400. 1. As used in this section, "claimant" means a person convicted and subsequently imprisoned for one or more offenses that such person did not commit.

2. Notwithstanding any other provision of law, a claimant may bring an action in the circuit court seeking damages from the state under this section.

3. (1) The claimant shall establish the following by a preponderance of evidence:

(a) The claimant was convicted of a felony offense and subsequently imprisoned;

(b) The claimant's judgment of conviction was reversed or vacated and either the charges were dismissed or on retrial the claimant was found to be not guilty;

(c) The claimant did not commit the offense or offenses for which the claimant was convicted and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges, or finding of not guilty on retrial; and

(d) The claimant did not commit or suborn perjury, fabricate evidence, or by the claimant's own conduct cause or bring about the conviction. Neither a confession or admission later found to be false nor a guilty plea shall constitute committing or suborning perjury, fabricating evidence, or causing or bringing about the conviction under this subsection.

(2) The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted under this section, may, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence, or other factors not caused by such persons or those acting on their behalf.

4. (1) The suit, accompanied by a statement of the facts concerning the claim for damages, verified in the manner provided for the verification of complaints in the rules of civil procedure, shall be brought by the claimant within a period of two years after the:

1 (a) Dismissal of the criminal charges against the claimant or finding of not guilty on
2 retrial; or

3 (b) Grant of a pardon to the claimant.

4 (2) A claimant convicted, imprisoned, and released from custody before August 28,
5 2026, shall commence an action under this section no later than August 28, 2028.

6 (3) All pleadings shall be captioned "In the matter of the wrongful conviction of".

7 (4) Any claim filed under this section shall be served on the attorney general.

8 (5) The suit for a claim filed under this section shall be tried by the court, and no request
9 for a jury trial shall be made.

10 5. (1) Damages awarded under this section shall be:

11 (a) Except as provided in subdivision (2) of this subsection, one hundred seventy-nine
12 dollars per day for each day of imprisonment but no more than sixty-five thousand dollars per
13 fiscal year; and

14 (b) Not less than twenty-five thousand dollars for each additional year served on parole
15 or postrelease supervision or each additional year the claimant was required to register as a
16 sexual offender under sections 589.400 to 589.425, whichever is greater.

17 (2) A claimant shall not receive compensation for any period of incarceration during
18 which the claimant was concurrently serving a sentence for a conviction of another crime for
19 which such claimant was lawfully incarcerated.

20 (3) (a) Except as provided in paragraph (b) of this subdivision, the court shall order that
21 the award be paid as a combination of an initial payment not to exceed one hundred thousand
22 dollars or twenty-five percent of the award, whichever is greater, and the remainder as an annuity
23 not to exceed eighty thousand dollars per year. The claimant shall designate a beneficiary or
24 beneficiaries for the annuity by filing such designation with the court.

25 (b) The court may order that the award be paid in one lump sum if the court finds that it
26 is in the best interests of the claimant.

27 (4) In addition to the damages awarded under subdivision (1) of this subsection, the
28 claimant:

29 (a) Shall be entitled to receive reasonable attorney's fees and costs incurred in the action
30 brought under this section not to exceed a total of twenty-five thousand dollars, unless a greater
31 reasonable total is authorized by the court upon a finding of good cause shown;

32 (b) May also be awarded other nonmonetary relief as sought in the complaint including,
33 but not limited to, counseling, housing assistance, and personal financial literacy assistance, as
34 appropriate; and

35 (c) Shall be entitled to receive tuition assistance under section 506.403.

36 6. (1) If, at the time of the judgment entry referred to in subsection 5 of this section, the
37 claimant has won a monetary award against the state or any political subdivision thereof in a
38 civil action related to the same subject, or has entered into a settlement agreement with the state

1 or any political subdivision thereof related to the same subject, the amount of the award in the
2 action or the amount received in the settlement agreement, less any sums paid to attorneys or for
3 costs in litigating the other civil action or obtaining the settlement agreement, shall be deducted
4 from the sum of moneys to which the claimant is entitled under this section. The court shall
5 include in the judgment entry an award to the state of any amount deducted under this
6 subsection.

7 (2) If subdivision (1) of this subsection does not apply and if, after the time of the
8 judgment entry referred to in subsection 5 of this section, the claimant wins a monetary award
9 against the state or any political subdivision thereof in a civil action related to the same subject,
10 or enters into a settlement agreement with the state or any political subdivision thereof related to
11 the same subject, the claimant shall reimburse the state for the sum of moneys paid under the
12 judgment entry referred to in subsection 5 of this section, less any sums paid to attorneys or for
13 costs in litigating the other civil action or obtaining the settlement agreement. A reimbursement
14 required under this subsection shall not exceed the amount of the monetary award the claimant
15 wins for damages in the other civil action or the amount received in the settlement agreement.

16 7. If the court finds that the claimant is entitled to a judgment, it shall enter a certificate
17 of innocence finding that the claimant was innocent of all offenses for which the claimant was
18 mistakenly convicted. The clerk of the court shall send a certified copy of the certificate of
19 innocence and the judgment entry to the attorney general for payment under section 105.711.

20 8. Upon entry of a certificate of innocence, the claimant shall automatically be granted
21 an order of expungement from the court in which he or she pled guilty or was sentenced to
22 expunge from all official records or recordations of his or her arrest, plea, trial, or conviction.
23 Upon granting of the order of expungement, the records and files maintained in any
24 administrative or court proceeding in an associate or circuit division of the court shall be
25 confidential and only available to the parties or by order of the court for good cause shown. The
26 effect of such order shall be to restore such person to the status he or she occupied prior to such
27 arrest, plea, or conviction and as if such event had never taken place. No person as to whom
28 such order has been entered shall be held thereafter under any provision of any law to be guilty
29 of perjury or otherwise giving a false statement by reason of his or her failure to recite or
30 acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made
31 of him or her for any purpose whatsoever, and no such inquiry shall be made for information
32 relating to an expungement under this subsection.

33 9. Upon entry of a certificate of innocence, the court shall order the expungement and
34 destruction of the associated biological samples authorized by and given to the Missouri state
35 highway patrol. The order shall state the information required to be stated in a petition to
36 expunge and destroy the samples and profile record and shall direct the Missouri state highway
37 patrol to expunge and destroy such samples and profile record. The clerk of the court shall send
38 a certified copy of the order to the Missouri state highway patrol, which shall carry out the order

1 and provide confirmation of such action to the court. Nothing in this subsection shall require the
2 Missouri state highway patrol to expunge and destroy any sample or profile record associated
3 with the claimant that was related to any offense other than the offense for which the court has
4 entered a certificate of innocence.

5 10. The decision to grant or deny a certificate of innocence shall not have a res judicata
6 effect on any other proceedings.

7 11. Nothing in this section shall preclude the department of corrections from providing a
8 claimant reentry services that are provided to other persons including, but not limited to,
9 financial assistance, housing assistance, mentoring, and counseling. Such services shall be
10 provided while an action under this section is pending and after any judgment is entered, as
11 appropriate for such claimant.

12 12. A decision under this section may be appealed to the supreme court.

13 506.403. 1. Any individual awarded tuition assistance under section 506.400 shall
14 receive a waiver of tuition and required fees for attendance at a public institution of higher
15 education for up to one hundred twenty credit hours. Such individual may attend a public
16 institution of higher education either full-time or part-time.

17 2. (1) Subject to appropriations, the department of higher education may make
18 expenditures to each individual awarded tuition assistance under section 506.400 who is enrolled
19 in a public institution of higher education for reimbursement of additional fees including, but not
20 limited to, fees for room and board, technical equipment, and course-required books.

21 (2) No public institution of higher education shall delay enrollment of an individual who
22 is awarded tuition assistance under section 506.400 because appropriations are not available for
23 any additional fees provided to such individual.

24 3. To remain eligible for the tuition and fees waiver under this section, an individual
25 shall remain in good standing at the public institution of higher education where the individual is
26 enrolled.

27 4. Individuals shall provide a written or electronic copy of the court order awarding
28 relief in the form of tuition assistance to the public institution of higher education or the
29 department of higher education.

30 5. The department of higher education shall adopt rules and regulations to administer the
31 provisions of this section. Any rule or portion of a rule, as that term is defined in section
32 536.010, that is created under the authority delegated in this section shall become effective only
33 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
34 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
35 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
36 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
37 and any rule proposed or adopted after August 28, 2026, shall be invalid and void."; and
38

Further amend said bill, Page 76, Section 660.520, Line 40, by inserting after said section and line the following:

~~"[650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime may be paid restitution. The individual may receive an amount of one hundred seventy-nine dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:~~

~~(1) The individual was convicted of a felony for which a final order of release was entered by the court;~~

~~(2) All appeals of the order of release have been exhausted;~~

~~(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the parole board's sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that the person's probation or parole was revoked in connection with the crime for which the person has been exonerated; and~~

~~(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, or after an evidentiary hearing and finding in a habeas corpus proceeding or a proceeding held pursuant to section 547.031 which demonstrates a person's innocence of the crime for which the person is in custody.~~

~~Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department,~~

1 the amounts owed to such individual shall be paid on June thirtieth of each
 2 subsequent fiscal year, until such time as the restitution to the individual has
 3 been paid in full. However, no individual awarded restitution under this
 4 subsection shall receive more than sixty-five thousand dollars during each
 5 fiscal year. No interest on unpaid restitution shall be awarded to the individual.
 6 However, an individual may also be awarded other nonmonetary relief,
 7 including counseling, housing assistance, and personal financial literary
 8 assistance.

9 2. If the results of the DNA testing confirm the person's guilt, then the
 10 person filing for DNA testing under section 547.035, shall:

11 (1) Be liable for any reasonable costs incurred when conducting the
 12 DNA test, including but not limited to the cost of the test. Such costs shall be
 13 determined by the court and shall be included in the findings of fact and
 14 conclusions of law made by the court; and

15 (2) Be sanctioned under the provisions of section 217.262.

16 3. A petition for payment of restitution under this section may be filed
 17 only by the individual determined to be actually innocent or the individual's
 18 legal guardian. No claim or petition for restitution under this section may be
 19 filed by the individual's heirs or assigns. An individual's right to receive
 20 restitution under this section is not assignable or otherwise transferrable. The
 21 state's obligation to pay restitution under this section shall cease upon the
 22 individual's death. Any beneficiary designation that purports to bequeath,
 23 assign, or otherwise convey the right to receive such restitution shall be void
 24 and unenforceable.

25 4. An individual who is determined to be actually innocent of a crime
 26 under this chapter shall automatically be granted an order of expungement
 27 from the court in which he or she pled guilty or was sentenced to expunge from
 28 all official records all recordations of his or her arrest, plea, trial or conviction.
 29 Upon the court's granting of the order of expungement, the records and files
 30 maintained in any administrative or court proceeding in an associate or circuit
 31 division of the court shall be confidential and available only to the parties or by
 32 order of the court for good cause shown. The effect of such order shall be to
 33 restore such person to the status he or she occupied prior to such arrest, plea or
 34 conviction and as if such event had never taken place. No person as to whom
 35 such order has been entered shall be held thereafter under any provision of any
 36 law to be guilty of perjury or otherwise giving a false statement by reason of
 37 his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
 38 expungement in response to any inquiry made of him or her for any purpose
 39 whatsoever and no such inquiry shall be made for information relating to an
 40 expungement under this section.]; and

41
 42 Further amend said bill by amending the title, enacting clause, and intersectional references
 43 accordingly.