

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2610, Page 5, Section 150.711, Line
2 131, by deleting the word "[or]" and inserting in lieu of the word "or"; and

3
4 Further amend said bill, page, and section, Line 136, by deleting the word "or" and inserting in
5 lieu thereof a period "."; and

6
7 Further amend said bill, page, and section, Lines 137 to 145, by deleting said lines and inserting
8 in lieu thereof the following:

9
10 "3. Moneys in the state legal expense fund shall be available for the payment of any
11 claim or any amount required by any final judgment rendered by a court of competent
12 jurisdiction for the purposes of paying judgments arising from claims under section 506.400.";
13 and

14
15 Further amend said bill and section, Pages 5 to 7, Lines 146 to 234, by renumbering all
16 subsequent subsections accordingly; and

17
18 Further amend said bill and section, Page 8, Line 242, by inserting after all said section and line
19 the following:

20
21 "506.400. 1. As used in this section, "claimant" means a person convicted and
22 subsequently imprisoned for one or more offenses that such person did not commit.

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

25 3. (1) The claimant shall establish the following by a preponderance of evidence:

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

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

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

Action Taken _____ Date _____

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

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

10 4. (1) The suit, accompanied by a statement of the facts concerning the claim for
11 damages, verified in the manner provided for the verification of complaints in the rules of civil
12 procedure, shall be brought by the claimant within a period of two years after the:

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

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

16 (2) A claimant convicted, imprisoned, and released from custody before August 28,
17 2026, shall commence an action under this section no later than August 28, 2028.

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

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

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

22 5. (1) Damages awarded under this section shall be:

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

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

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

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

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

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

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

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

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

10 6. (1) If, at the time of the judgment entry referred to in subsection 5 of this section, the
11 claimant has won a monetary award against the state or any political subdivision thereof in a
12 civil action related to the same subject, or has entered into a settlement agreement with the state
13 or any political subdivision thereof related to the same subject, the amount of the award in the
14 action or the amount received in the settlement agreement, less any sums paid to attorneys or for
15 costs in litigating the other civil action or obtaining the settlement agreement, shall be deducted
16 from the sum of moneys to which the claimant is entitled under this section. The court shall
17 include in the judgment entry an award to the state of any amount deducted under this
18 subsection.

19 (2) If subdivision (1) of this subsection does not apply and if, after the time of the
20 judgment entry referred to in subsection 5 of this section, the claimant wins a monetary award
21 against the state or any political subdivision thereof in a civil action related to the same subject,
22 or enters into a settlement agreement with the state or any political subdivision thereof related to
23 the same subject, the claimant shall reimburse the state for the sum of moneys paid under the
24 judgment entry referred to in subsection 5 of this section, less any sums paid to attorneys or for
25 costs in litigating the other civil action or obtaining the settlement agreement. A reimbursement
26 required under this subsection shall not exceed the amount of the monetary award the claimant
27 wins for damages in the other civil action or the amount received in the settlement agreement.

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

32 8. Upon entry of a certificate of innocence, the claimant shall automatically be granted
33 an order of expungement from the court in which he or she pled guilty or was sentenced to
34 expunge from all official records or recordations of his or her arrest, plea, trial, or conviction.
35 Upon granting of the order of expungement, the records and files maintained in any
36 administrative or court proceeding in an associate or circuit division of the court shall be
37 confidential and only available to the parties or by order of the court for good cause shown. The
38 effect of such order shall be to restore such person to the status he or she occupied prior to such

1 arrest, plea, or conviction and as if such event had never taken place. No person as to whom
2 such order has been entered shall be held thereafter under any provision of any law to be guilty
3 of perjury or otherwise giving a false statement by reason of his or her failure to recite or
4 acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made
5 of him or her for any purpose whatsoever, and no such inquiry shall be made for information
6 relating to an expungement under this subsection.

7 9. Upon entry of a certificate of innocence, the court shall order the expungement and
8 destruction of the associated biological samples authorized by and given to the Missouri state
9 highway patrol. The order shall state the information required to be stated in a petition to
10 expunge and destroy the samples and profile record and shall direct the Missouri state highway
11 patrol to expunge and destroy such samples and profile record. The clerk of the court shall send
12 a certified copy of the order to the Missouri state highway patrol, which shall carry out the order
13 and provide confirmation of such action to the court. Nothing in this subsection shall require the
14 Missouri state highway patrol to expunge and destroy any sample or profile record associated
15 with the claimant that was related to any offense other than the offense for which the court has
16 entered a certificate of innocence.

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

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

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

25 506.403. 1. Any individual awarded tuition assistance under section 506.400 shall
26 receive a waiver of tuition and required fees for attendance at a public institution of higher
27 education for up to one hundred twenty credit hours. Such individual may attend a public
28 institution of higher education either full-time or part-time.

29 2. (1) Subject to appropriations, the department of higher education may make
30 expenditures to each individual awarded tuition assistance under section 506.400 who is enrolled
31 in a public institution of higher education for reimbursement of additional fees including, but not
32 limited to, fees for room and board, technical equipment, and course-required books.

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

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

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

4 5. The department of higher education shall adopt rules and regulations to administer the
 5 provisions of this section. Any rule or portion of a rule, as that term is defined in section
 6 536.010, that is created under the authority delegated in this section shall become effective only
 7 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
 8 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
 9 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
 10 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
 11 and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

12
 13 ~~[650.058. 1. Notwithstanding the sovereign immunity of the state, any~~
 14 ~~individual who was found guilty of a felony in a Missouri court and was later~~
 15 ~~determined to be actually innocent of such crime may be paid restitution. The~~
 16 ~~individual may receive an amount of one hundred seventy-nine dollars per day~~
 17 ~~for each day of postconviction incarceration for the crime for which the~~
 18 ~~individual is determined to be actually innocent. The petition for the payment~~
 19 ~~of said restitution shall be filed with the sentencing court. For the purposes of~~
 20 ~~this section, the term "actually innocent" shall mean:~~

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

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

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

37 ~~(4) Testing ordered under section 547.035, or testing by the order of~~
 38 ~~any state or federal court, if such person was exonerated on or before August~~
 39 ~~28, 2004, or testing ordered under section 650.055, if such person was or is~~
 40 ~~exonerated after August 28, 2004, or after an evidentiary hearing and finding in~~
 41 ~~a habeas corpus proceeding or a proceeding held pursuant to section 547.031~~
 42 ~~which demonstrates a person's innocence of the crime for which the person is~~
 43 ~~in custody.~~

1
2 Any individual who receives restitution under this section shall be prohibited
3 from seeking any civil redress from the state, its departments and agencies, or
4 any employee thereof, or any political subdivision or its employees. This
5 section shall not be construed as a waiver of sovereign immunity for any
6 purposes other than the restitution provided for herein. The department of
7 corrections shall determine the aggregate amount of restitution owed during a
8 fiscal year. If insufficient moneys are appropriated each fiscal year to pay
9 restitution to such persons, the department shall pay each individual who has
10 received an order awarding restitution a pro rata share of the amount
11 appropriated. Provided sufficient moneys are appropriated to the department,
12 the amounts owed to such individual shall be paid on June thirtieth of each
13 subsequent fiscal year, until such time as the restitution to the individual has
14 been paid in full. However, no individual awarded restitution under this
15 subsection shall receive more than sixty five thousand dollars during each
16 fiscal year. No interest on unpaid restitution shall be awarded to the individual.
17 However, an individual may also be awarded other nonmonetary relief,
18 including counseling, housing assistance, and personal financial literary
19 assistance.

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

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

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

27 3. A petition for payment of restitution under this section may be filed
28 only by the individual determined to be actually innocent or the individual's
29 legal guardian. No claim or petition for restitution under this section may be
30 filed by the individual's heirs or assigns. An individual's right to receive
31 restitution under this section is not assignable or otherwise transferrable. The
32 state's obligation to pay restitution under this section shall cease upon the
33 individual's death. Any beneficiary designation that purports to bequeath,
34 assign, or otherwise convey the right to receive such restitution shall be void
35 and unenforceable.

36 4. An individual who is determined to be actually innocent of a crime
37 under this chapter shall automatically be granted an order of expungement
38 from the court in which he or she pled guilty or was sentenced to expunge from
39 all official records all recordations of his or her arrest, plea, trial or conviction.
40 Upon the court's granting of the order of expungement, the records and files
41 maintained in any administrative or court proceeding in an associate or circuit
42 division of the court shall be confidential and available only to the parties or by
43 order of the court for good cause shown. The effect of such order shall be to
44 restore such person to the status he or she occupied prior to such arrest, plea or
45 conviction and as if such event had never taken place. No person as to whom
46 such order has been entered shall be held thereafter under any provision of any

1 ~~law to be guilty of perjury or otherwise giving a false statement by reason of~~
2 ~~his or her failure to recite or acknowledge such arrest, plea, trial, conviction or~~
3 ~~expungement in response to any inquiry made of him or her for any purpose~~
4 ~~whatsoever and no such inquiry shall be made for information relating to an~~
5 ~~expungement under this section.]"~~; and

6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.