

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 2610, Page 5, Section 105.711, 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, Lines 136-145, by deleting said lines and inserting in  
5 lieu thereof the following

6  
7 "revenue and in the manner required by state law or department of revenue rules.

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

11  
12 Further amend said bill and section, Pages 5-7, by renumbering all subsequent subsections  
13 accordingly; and

14  
15 Further amend said bill and section, Page 8, Line 242, by inserting after all said section and line  
16 the following:

17  
18 "506.400. 1. As used in this section, "claimant" means a person convicted and  
19 subsequently imprisoned for one or more offenses that such person did not commit.

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

22 3. (1) The claimant shall establish the following by a preponderance of evidence:

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

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

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

6           4. (1) The suit, accompanied by a statement of the facts concerning the claim for  
7 damages, verified in the manner provided for the verification of complaints in the rules of civil  
8 procedure, shall be brought by the claimant within a period of two years after the:

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

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

12           (2) A claimant convicted, imprisoned, and released from custody before August 28,  
13 2026, shall commence an action under this section no later than August 28, 2028.

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

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

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

18           5. (1) Damages awarded under this section shall be:

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

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

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

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

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

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

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

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

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

8           6. (1) If, at the time of the judgment entry referred to in subsection 5 of this section, the  
9 claimant has won a monetary award against the state or any political subdivision thereof in a  
10 civil action related to the same subject, or has entered into a settlement agreement with the state  
11 or any political subdivision thereof related to the same subject, the amount of the award in the  
12 action or the amount received in the settlement agreement, less any sums paid to attorneys or for  
13 costs in litigating the other civil action or obtaining the settlement agreement, shall be deducted  
14 from the sum of moneys to which the claimant is entitled under this section. The court shall  
15 include in the judgment entry an award to the state of any amount deducted under this  
16 subsection.

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

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

30           8. Upon entry of a certificate of innocence, the claimant shall automatically be granted  
31 an order of expungement from the court in which he or she pled guilty or was sentenced to  
32 expunge from all official records or recordations of his or her arrest, plea, trial, or conviction.  
33 Upon granting of the order of expungement, the records and files maintained in any  
34 administrative or court proceeding in an associate or circuit division of the court shall be  
35 confidential and only available to the parties or by order of the court for good cause shown. The  
36 effect of such order shall be to restore such person to the status he or she occupied prior to such  
37 arrest, plea, or conviction and as if such event had never taken place. No person as to whom  
38 such order has been entered shall be held thereafter under any provision of any law to be guilty

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

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

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

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

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

23 506.403. 1. Any individual awarded tuition assistance under section 506.400 shall  
24 receive a waiver of tuition and required fees for attendance at a public institution of higher  
25 education for up to one hundred twenty credit hours. Such individual may attend a public  
26 institution of higher education either full-time or part-time.

27 2. (1) Subject to appropriations, the department of higher education may make  
28 expenditures to each individual awarded tuition assistance under section 506.400 who is enrolled  
29 in a public institution of higher education for reimbursement of additional fees including, but not  
30 limited to, fees for room and board, technical equipment, and course-required books.

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

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