

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 2637 & 3155, Page 6, Section
2 217.760, Line 22, by inserting after said section and line the following:

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4 "506.400. 1. An exoneree shall not receive compensation for any period of incarceration
5 during which the exoneree was concurrently serving a sentence for a conviction of another crime
6 for which such exoneree was lawfully incarcerated.

7 2. (1) If, at the time of the judgment entry referred to in subsection 5 of this section, the
8 exoneree has won a monetary award against the state or any political subdivision thereof in a
9 civil action related to the same subject, or has entered into a settlement agreement with the state
10 or any political subdivision thereof related to the same subject, the amount of the award in the
11 action or the amount received in the settlement agreement, less any sums paid to attorneys or for
12 costs in litigating the other civil action or obtaining the settlement agreement, shall be deducted
13 from the sum of moneys to which the exoneree is entitled under this section. The court shall
14 include in the judgment entry an award to the state of any amount deducted under this
15 subsection.

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

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

29 4. Upon entry of a certificate of innocence, the exoneree shall automatically be granted
30 an order of expungement from the court in which he or she pled guilty or was sentenced to

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1 expunge from all official records or recordations of his or her arrest, plea, trial, or conviction.
2 Upon granting of the order of expungement, the records and files maintained in any
3 administrative or court proceeding in an associate or circuit division of the court shall be
4 confidential and only available to the parties or by order of the court for good cause shown. The
5 effect of such order shall be to restore such person to the status he or she occupied prior to such
6 arrest, plea, or conviction and as if such event had never taken place. No person as to whom
7 such order has been entered shall be held thereafter under any provision of any law to be guilty
8 of perjury or otherwise giving a false statement by reason of his or her failure to recite or
9 acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made
10 of him or her for any purpose whatsoever, and no such inquiry shall be made for information
11 relating to an expungement under this subsection.

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

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

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

29 8. A decision under this section may be appealed to the supreme court."; and

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