

# HOUSE BILL NO. 3132

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BOSLEY.

6889H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 314, RSMo, by adding thereto four new sections relating to discriminatory practices against persons convicted of certain offenses.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 314, RSMo, is amended by adding thereto four new sections, to  
2 be known as sections 314.205, 314.208, 314.211, and 314.214, to read as follows:

**314.205. As used in sections 314.205 to 314.214, the following terms shall mean:**

2 (1) "Certificate", a certificate of exemplary conduct and good moral character;

3 (2) "Circuit court", any circuit court in the state of Missouri;

4 (3) "Eligible individual", a person who has been convicted of an offense in this  
5 state or in any other jurisdiction that does not include an offense that would subject a  
6 person to the sex offender registry under sections 589.400 to 589.426;

7 (4) "Petition", any form or document that is submitted to the circuit court that  
8 documents an eligible individual's desire to obtain a certificate and the eligible  
9 individual's justification for why the circuit court should grant his or her request.

**314.208. 1. The circuit court shall have the power to issue a certificate to an  
2 eligible individual that has the force and effect of a final judgment. The circuit court  
3 shall issue a certificate to an eligible individual if the presiding judge finds, at the  
4 moment of sentencing or at any moment thereafter, that clear and convincing evidence  
5 demonstrates that the eligible individual has:**

6 (1) Consistently conducted himself or herself in a manner warranting the  
7 issuance of a certificate;

8 (2) Consistently demonstrated that he or she is of good moral character; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

9           **(3) Generally acted in such a way that granting the certificate is consistent with**  
10 **the public interest.**

11           **2. The circuit court shall have the power to investigate an eligible individual**  
12 **petitioning for a certificate.**

13           **3. The circuit court shall grant or deny the petition within a reasonable period of**  
14 **time after the petition is filed.**

15           **4. If the circuit court has issued a certificate, the circuit court may at any time**  
16 **issue a new certificate enlarging the relief previously granted.**

17           **5. After notice to a certificate holder, the circuit court has the power to revoke a**  
18 **certificate upon a subsequent conviction.**

**314.211. 1. A certificate shall not prevent any judicial or administrative**  
2 **proceeding, any licensing authority, or any other body, board, employer, or authority**  
3 **from accessing or considering the eligible individual's conviction history.**

4           **2. A certificate removes any or all bars an eligible individual faces with respect**  
5 **to employment, housing, or occupational licenses.**

6           **3. An employer is not civilly or criminally liable for an act or omission by an**  
7 **employee who has been issued a certificate, except for a willful or wanton act by the**  
8 **employer in hiring the employee who has been issued a certificate.**

**314.214. 1. The chief justice of the Missouri supreme court, or his or her**  
2 **designee, may create forms to assist eligible individuals in providing all the information**  
3 **required for a presiding judge to fully consider the eligible individual's case.**

4           **2. The division of professional registration, and any other Missouri entity that**  
5 **has the authority to issue or revoke a license, shall report to the general assembly on**  
6 **November thirtieth of each year the following:**

- 7           **(1) The number of licensure applicants with felony convictions;**
- 8           **(2) The number of licensure applicants with certificates;**
- 9           **(3) The number of licenses awarded to applicants with felony convictions;**
- 10          **(4) The number of licenses awarded to applicants with certificates;**
- 11          **(5) The number of applicants with felony convictions denied licenses; and**
- 12          **(6) The number of applicants with certificates denied licenses.**

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