

HCS HBs 2747 & 2047 -- PROCEEDINGS RESULTING FROM CRIMINAL CONDUCT

SPONSOR: Davidson

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Economic Development by a vote of 14 to 0. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for HBs 2747 & 2047.

The bill specifies that, starting January 1, 2031, the Office of State Courts Administrator (OSCA) and the Missouri State Highway patrol must submit an annual report to the Joint Committee on the Justice System, the House Judiciary Committee, and the Senate Judiciary and Civil and Criminal Jurisprudence Committee. This report must include specified statistical information, including the number of eligible offenses identified, the number of records objected to for automatic expungement, and the number of expungement orders issued.

Currently, in a criminal prosecution for murder in the first degree, the court must instruct the jury that, in the event it cannot reach a consensus on punishment, the court may assess punishment, including death. This bill repeals that provision and provides a procedure for when a jury cannot reach a unanimous decision on punishment.

This bill also establishes an automatic record-clearing or expungement process for closing records pertaining to a "clean slate eligible offense", which is an offense not excluded from the eligibility for expungement. This process will be phased in and an individual can be granted more than one expungement under this bill, subject to specified parameters and expectations. This bill also provides that, on a quarterly basis, the Highway Patrol must identify records that have become eligible in the last quarter and make these records accessible to the central repository and every prosecuting agency in the State within 100 days of the record becoming eligible for automated expungement. If a court finds, after a motion, a conviction was improperly or erroneously expunged under this provision, the court must reinstate the conviction.

The bill provides that a credit bureau can report records of arrests, indictments pending trial, and convictions for no more

than seven years from the date of final disposition. A credit bureau can no longer report these records if at any time after conviction, indictment, or arrest it is learned that a full pardon or expungement has been granted for the conviction.

This bill creates in the State Treasury the "Missouri Expungement Fund", which is a fund dedicated to the creation, operation, and maintenance of the program. OSCA, the Department of Public Safety, and the Information Technology Services Division within the Office of Administration will expend money from the Fund, upon appropriation.

This bill is similar to HCS #2 HB 953 (2025).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill ensures the decision for a death penalty sentence is left to a jury of peers and if the jury of peers disagrees on a death penalty sentence, the judge will not have the ability to override that split decision. Supporters say that if individuals have served their time, there should be a genuine show of good faith that they have done their time and can reintegrate into society. This bill ensures that, once restitution has been paid, time is served, and the formerly incarcerated individual is eligible for expungement, the person will have the ability to reintegrate into society. The bill addresses the issue of previously convicted people ending up homeless and unemployed because criminal records that are eligible for expungement are checked for employment and housing. The current expungement for eligible formerly incarcerated individuals is very slow. This automates the expungement process that is already in law and ensures previously incarcerated individuals are able to reintegrate into the workforce. Supporters say veterans who had a low point are still being judged for that dark point in their lives. This will allow veterans to reenter the workforce. Proponents also say that, by automating the expungement process, this bill would stimulate Missouri's workforce and economy.

Testifying in person for the bill were Representative Davidson; JE Dunn; Missouri Catholic Conference; Dr. Ketosha Harris; Julie Hugunin; Rochelle Kaskowitz, Women's Voices Raised For Social Justice; Richard Jackson; Mallory Rusch, Empower Missouri; Deshunai Barlowe; Americans For Prosperity; American Civil Liberties Union of Missouri; Missourians To Abolish The Death

Penalty; MO NAACP; MO Chamber of Commerce and Industry; Clifton Davis, MO Justice; Trey Scott; and ML Smith, Missouri Justice Coalition.

OPPONENTS: Those who oppose the bill say that Missouri does not have the tools to implement this process. Opponents say this bill would work for defendant-based systems, but Missouri's system is case-based. The system would have to be reconfigured. Those who oppose the bill also say they find the provision regarding immunity for employers who hire an individual whose criminal record has been expunged to be problematic.

Testifying in person against the bill were Judicial Conference of Missouri; Missouri Sheriff United; and Missouri Circuit Clerks.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.