

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 189, 36 & 37

102ND GENERAL ASSEMBLY

0077S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 43.504, 43.507, 488.650, 547.031, 575.010, 575.353, 578.007, 578.022, and 610.140, RSMo, and to enact in lieu thereof nine new sections relating to criminal laws, with penalty provisions.

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

Section A. Sections 43.504, 43.507, 488.650, 547.031,
2 575.010, 575.353, 578.007, 578.022, and 610.140, RSMo, are
3 repealed and nine new sections enacted in lieu thereof, to be
4 known as sections 43.504, 43.507, 547.031, 547.500, 575.010,
5 575.353, 578.007, 578.022, and 610.140, to read as follows:

43.504. **1.** Notwithstanding section 610.120, the
2 sheriff of any county, the sheriff of the City of St. Louis,
3 and the judges of the circuit courts of this state may make
4 available, for review, information obtained from the central
5 repository to private entities responsible for probation
6 supervision pursuant to sections 559.600 to 559.615, **as well**
7 **as to expungement clinics or legal aid organizations for the**
8 **purposes of pursuing relief under section 610.140.** When the
9 term of probation is completed or when the material is no
10 longer needed for purposes related to the probation **or**
11 **expungement,** it shall be returned to the court or
12 destroyed. Criminal history information obtained from the
13 central repository may be made available to private entities
14 responsible for providing services associated with drug

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 treatment courts under sections 478.001 to 478.008 **and to**
16 **expungement clinics or legal aid organizations for the**
17 **purposes of pursuing relief under section 610.140.** The
18 private entities shall not use or make this information
19 available to any other person for any other purpose.

20 **2. For the purposes of this section, "expungement**
21 **clinic" means a pro bono service provider established by the**
22 **Missouri Bar, a local or specialty bar association as**
23 **identified by the Missouri Bar, or a nonprofit organization**
24 **located in Missouri providing legal services to indigent**
25 **citizens of Missouri.**

43.507. 1. All criminal history information, in the
2 possession or control of the central repository, except
3 criminal intelligence and investigative information, may be
4 made available to qualified persons and organizations for
5 research, evaluative and statistical purposes under written
6 agreements reasonably designed to ensure the security and
7 confidentiality of the information and the protection of the
8 privacy interests of the individuals who are subjects of the
9 criminal history.

10 **2. Expungement clinics and legal aid organizations**
11 **which seek to expunge the records of petitioners at no**
12 **charge, pursuant to the provisions of section 610.140, shall**
13 **have access to all criminal history information in the**
14 **possession or control of the central repository, except**
15 **criminal intelligence and investigation, for each petitioner**
16 **who has executed a written agreement with said clinic or**
17 **organization. In these cases, pro bono clinics and legal**
18 **aid organizations shall not be subject to the provisions of**
19 **subsection 3 of this section.**

20 **3. Prior to such information being made available,**
21 **information that uniquely identifies the individual shall be**

22 **deleted. Organizations receiving such criminal history**
23 **information shall not reestablish the identity of the**
24 **individual and associate it with the criminal history**
25 **information being provided.**

26 **4. For purposes of this section, "expungement clinic"**
27 **means a pro bono service provider established by the**
28 **Missouri Bar, a local or specialty bar association as**
29 **identified by the Missouri Bar, or a nonprofit organization**
30 **located in Missouri providing legal services to indigent**
31 **citizens of Missouri.**

547.031. 1. A prosecuting or circuit attorney, in the
2 jurisdiction in which **[a person was convicted of an offense]**
3 **charges were filed,** may file a motion to vacate or set aside
4 the judgment at any time if he or she has information that
5 the convicted person may be innocent or may have been
6 erroneously convicted. The circuit court in which **[the**
7 **person was convicted]** **charges were filed** shall have
8 jurisdiction and authority to consider, hear, and decide the
9 motion.

10 2. Upon the filing of a motion to vacate or set aside
11 the judgment, the court shall order a hearing and shall
12 issue findings of fact and conclusions of law on all issues
13 presented. The attorney general shall be given notice of
14 hearing of such a motion by the circuit clerk and shall be
15 permitted to appear, question witnesses, and make arguments
16 in a hearing of such a motion.

17 3. The court shall grant the motion of the prosecuting
18 or circuit attorney to vacate or set aside the judgment
19 where the court finds that there is clear and convincing
20 evidence of actual innocence or constitutional error at the
21 original trial or plea that undermines the confidence in the
22 judgment. In considering the motion, the court shall take

23 into consideration the evidence presented at the original
24 trial or plea; the evidence presented at any direct appeal
25 or post-conviction proceedings, including state or federal
26 habeas actions; and the information and evidence presented
27 at the hearing on the motion.

28 4. The prosecuting attorney or circuit attorney shall
29 have the authority and right to file and maintain an appeal
30 of the denial or disposal of such a motion. The attorney
31 general may file a motion to intervene and, in addition to
32 such motion, file a motion to dismiss the motion to vacate
33 or to set aside the judgment in any appeal filed by the
34 prosecuting or circuit attorney. **Upon intervention pursuant**
35 **to this section, the intervenor shall have all rights**
36 **afforded to defendants under the Missouri rules of civil**
37 **procedure and reasonable and sufficient time to meaningfully**
38 **assert its position including, but not limited to, the right**
39 **and time to conduct discovery, the right and time to engage**
40 **in motion practice, and the right to a trial by jury and**
41 **sufficient time to prepare for trial. No stipulations,**
42 **scheduling orders, or other orders affecting the rights of**
43 **an intervenor and entered prior to intervention shall be**
44 **binding upon the intervenor.**

547.500. 1. The Missouri office of prosecution
2 services may establish a conviction review unit to
3 investigate claims of actual innocence of any defendant
4 including those who plead guilty.

5 2. The Missouri office of prosecution services shall
6 have the power to promulgate rules and regulations to
7 receive and investigate claims of actual innocence.

8 3. The Missouri office of prosecution services shall
9 create an application process that at a minimum shall
10 include that:

11 (1) Any application for review of a claim of actual
12 innocence shall not have any excessive fees and fees shall
13 be waived in cases of indigence;

14 (2) No application shall be accepted if there is any
15 pending motion, writ, appeal, or other matter pending
16 regarding the defendant's conviction. Any application filed
17 shall be considered a pleading under the Missouri rules of
18 civil procedure and all attorneys shall comply with supreme
19 court rule 55.03 when signing the application and the
20 application shall be sworn and signed under penalty of
21 perjury by the applicant. Any witness statements attached
22 shall be sworn and signed under penalty of perjury; and

23 (3) Any review and investigation shall be based on
24 newly discovered and verifiable evidence of actual innocence
25 not presented at a trial. Such newly discovered and
26 verifiable evidence shall establish by clear and convincing
27 evidence the actual innocence of the defendant.

28 4. The conviction review unit shall consist of two
29 attorneys, hired by the executive director of the Missouri
30 office of prosecution services, who have extensive
31 experience prosecuting and defending criminal matters, an
32 investigator, a paralegal, and such administrative staff as
33 is needed to efficiently and effectively process all
34 applications and claims. The executive director of the
35 Missouri office of prosecution services shall coordinate the
36 activities and budget of the conviction review unit and act
37 as an ex officio member of the unit.

38 5. Once the review is complete, the conviction review
39 unit shall present its findings and recommendations to:

40 (1) The office of the prosecuting attorney or circuit
41 attorney who prosecuted the defendant's case; the attorney

42 general's office if it prosecuted the case, or the special
43 prosecutor who prosecuted the case; or

44 (2) If the review was requested by a prosecuting
45 attorney's office, the circuit attorney's office, attorney
46 general, or special prosecutor, the findings and
47 recommendation shall be presented to the office which
48 requested the review.

49 6. The circuit attorney, prosecuting attorney of any
50 county, special prosecutor, attorney general's office if it
51 prosecuted the case, Missouri office of prosecution
52 services, or other prosecutor who prosecuted the case is not
53 required to accept or follow the findings and
54 recommendations of the conviction review unit.

55 7. (1) The application, investigation, reports,
56 interviews, findings, and recommendations, and any
57 documents, written, electronic or otherwise, received or
58 generated by the conviction review unit are closed records.

59 (2) The conviction review unit's findings and
60 recommendations submitted to the prosecuting attorney,
61 circuit attorney, the attorney general's office if it
62 prosecuted the case, or the special prosecutor who
63 prosecuted the case, shall become open records after the
64 receiving entity of the submission makes a decision not to
65 pursue a motion under section 547.031 or, if such a motion
66 is filed, after the finality of all proceedings under
67 section 547.031, including appeals authorized therein.

575.010. The following definitions shall apply to this
2 chapter and chapter 576:

3 (1) "Affidavit" means any written statement which is
4 authorized or required by law to be made under oath, and
5 which is sworn to before a person authorized to administer
6 oaths;

7 (2) "Government" means any branch or agency of the
8 government of this state or of any political subdivision
9 thereof;

10 (3) "Highway" means any public road or thoroughfare
11 for vehicles, including state roads, county roads and public
12 streets, avenues, boulevards, parkways or alleys in any
13 municipality;

14 (4) "Judicial proceeding" means any official
15 proceeding in court, or any proceeding authorized by or held
16 under the supervision of a court;

17 (5) "Juror" means a grand or petit juror, including a
18 person who has been drawn or summoned to attend as a
19 prospective juror;

20 (6) "Jury" means a grand or petit jury, including any
21 panel which has been drawn or summoned to attend as
22 prospective jurors;

23 (7) **"Law enforcement animal" means a dog, horse, or**
24 **other animal used in law enforcement or a correctional**
25 **facility, or by a municipal police department, fire**
26 **department, search and rescue unit or agency, whether the**
27 **animal is on duty or not on duty. The term shall include,**
28 **but not be limited to, accelerant detection dogs, bomb**
29 **detection dogs, narcotic detection dogs, search and rescue**
30 **dogs, and tracking animals;**

31 (8) "Official proceeding" means any cause, matter, or
32 proceeding where the laws of this state require that
33 evidence considered therein be under oath or affirmation;

34 [(8) "Police animal" means a dog, horse or other
35 animal used in law enforcement or a correctional facility,
36 or by a municipal police department, fire department, search
37 and rescue unit or agency, whether the animal is on duty or
38 not on duty. The term shall include, but not be limited to,

39 accelerant detection dogs, bomb detection dogs, narcotic
40 detection dogs, search and rescue dogs and tracking animals;]

41 (9) "Public record" means any document which a public
42 servant is required by law to keep;

43 (10) "Testimony" means any oral statement under oath
44 or affirmation;

45 (11) "Victim" means any natural person against whom
46 any crime is deemed to have been perpetrated or attempted;

47 (12) "Witness" means any natural person:

48 (a) Having knowledge of the existence or nonexistence
49 of facts relating to any crime; or

50 (b) Whose declaration under oath is received as
51 evidence for any purpose; or

52 (c) Who has reported any crime to any peace officer or
53 prosecutor; or

54 (d) Who has been served with a subpoena issued under
55 the authority of any court of this state.

575.353. 1. **This section shall be known and may be
2 cited as "Max's Law".**

3 2. A person commits the offense of assault on a
4 [police] **law enforcement** animal if he or she knowingly
5 attempts to kill or disable or knowingly causes or attempts
6 to cause serious physical injury to a [police] **law**
7 **enforcement** animal when that animal is involved in law
8 enforcement investigation, apprehension, tracking, or
9 search, or the animal is in the custody of or under the
10 control of a law enforcement officer, department of
11 corrections officer, municipal police department, fire
12 department or a rescue unit or agency.

13 [2.] 3. The offense of assault on a [police] **law**
14 **enforcement** animal is a [class C misdemeanor, unless]:

15 (1) **Class A misdemeanor, if the law enforcement animal**
16 **is not injured to the point of requiring veterinary care or**
17 **treatment;**

18 (2) **Class E felony if the law enforcement animal is**
19 **seriously injured to the point of requiring veterinary care**
20 **or treatment; and**

21 (3) **Class D felony if** the assault results in the death
22 of such animal [or disables such animal to the extent it is
23 unable to be utilized as a police animal, in which case it
24 is a class E felony].

 578.007. The provisions of section 574.130[,] **and**
2 sections 578.005 to 578.023 shall not apply to:

3 (1) Care or treatment performed by a licensed
4 veterinarian within the provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by
7 chapter 252, including all practices and privileges as
8 allowed under the Missouri Wildlife Code;

9 (4) Facilities and publicly funded zoological parks
10 currently in compliance with the federal "Animal Welfare
11 Act" as amended;

12 (5) Rodeo practices currently accepted by the
13 Professional Rodeo Cowboy's Association;

14 (6) The killing of an animal by the owner thereof, the
15 agent of such owner, or by a veterinarian at the request of
16 the owner thereof;

17 (7) The lawful, humane killing of an animal by an
18 animal control officer, the operator of an animal shelter, a
19 veterinarian, or law enforcement or health official;

20 (8) With respect to farm animals, normal or accepted
21 practices of animal husbandry;

22 (9) The killing of an animal by any person at any time
23 if such animal is outside of the owned or rented property of
24 the owner or custodian of such animal and the animal is
25 injuring any person or farm animal, but **this exemption** shall
26 not include [police or guard dogs] **the killing or injuring**
27 **of a law enforcement animal** while working;

28 (10) The killing of house or garden pests; or

29 (11) Field trials, training and hunting practices as
30 accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of
2 which is employed, by a law enforcement agency and that
3 bites **or injures** another animal or human in the course of
4 their official duties is exempt from the provisions of
5 sections 273.033 [and], 273.036 [and section], **578.012, and**
6 **578.024.**

610.140. 1. **For the purposes of this section, the**
2 **following terms mean:**

3 (1) "Court", any Missouri municipal, associate
4 circuit, or circuit court;

5 (2) "Crime", any offense, violation, or infraction of
6 Missouri state, county, municipal, or administrative law;

7 (3) "Extended course of criminal conduct", crimes
8 which:

9 (a) Occur during a period of addiction, however long,
10 in which a person suffers from a problematic pattern of use
11 of one or more controlled substances leading to significant
12 impairment or distress that would be characterized as
13 moderate or severe by the most recently published Diagnostic
14 and Statistical Manual of Mental Disorders (DSM). A
15 clinical diagnosis of addiction is not required to prove
16 addiction; or

17 (b) Occur while a person is between the ages of
18 sixteen to twenty-five;

19 (4) "Prosecutor" or "prosecuting attorney", the
20 prosecuting attorney, circuit attorney, or municipal
21 prosecuting attorney;

22 (5) "Same course of criminal conduct", crimes which:

23 (a) Are charged as counts in the same indictment or
24 information; or

25 (b) Occur within a time period suggesting a common
26 connection between the offenses, not to exceed one year.

27 2. Notwithstanding any other provision of law and
28 subject to the provisions of this section, any person may
29 apply to any court in which such person was charged or found
30 guilty of any [offenses, violations, or infractions] **crimes**
31 for an order to expunge records of such arrest, plea, trial,
32 or conviction.

33 (1) Subject to the limitations of subsection [12] 13
34 of this section, a person may apply to have one or more
35 [offenses, violations, or infractions] **crimes** expunged if
36 **each** such [offense, violation, or infraction] **crime** occurred
37 within the state of Missouri and was prosecuted under the
38 jurisdiction of a Missouri [municipal, associate circuit, or
39 circuit] court, so long as such person lists all the
40 [offenses, violations, and infractions] **crimes** he or she is
41 seeking to have expunged in the petition and so long as all
42 such [offenses, violations, and infractions] **crimes** are not
43 excluded under subsection [2] 3 of this section.

44 (2) If the [offenses, violations, or infractions were
45 charged as counts in the same indictment or information or]
46 **crimes sought to be expunged** were committed as part of the
47 same course of criminal conduct, the person may include all
48 [the] **such** related [offenses, violations, and infractions]

49 **crimes** in the petition, regardless of the limits of
50 subsection [12] 13 of this section, and [the petition] **those**
51 **related crimes** shall only count as [a petition for
52 expungement of] the highest level [violation or offense
53 contained in the petition] for the purpose of determining
54 **current and** future eligibility for expungement.

55 (3) If the crimes sought to be expunged were committed
56 as part of an extended course of criminal conduct, the
57 person may include all such related crimes in the petition:

58 (a) The person may include all crimes that were
59 committed during a period of addiction as defined in
60 subsection 1 of this section, regardless of the limits of
61 subsection 13 of this section, and those crimes shall count
62 only as the highest level among them for the purpose of
63 determining current and future eligibility for expungement.

64 (b) The person may include all crimes that were
65 committed while a person was between the ages of sixteen and
66 twenty-five, regardless of the limits of subsection 13 of
67 this section, and those crimes shall count only as the
68 highest level among them for the purpose of determining
69 current and future eligibility for expungement.

70 [2.] 3. The following [offenses, violations, and
71 infractions] **crimes** shall not be eligible for expungement
72 under this section:

- 73 (1) Any class A felony offense;
- 74 (2) Any dangerous felony as that term is defined in
75 section 556.061;
- 76 (3) Any offense **at the time of conviction** that
77 requires registration as a sex offender;
- 78 (4) Any felony offense where death is an element of
79 the offense;

80 (5) Any felony offense of assault; misdemeanor or
81 felony offense of domestic assault; or felony offense of
82 kidnapping;

83 (6) Any offense listed, [or] previously listed, **or is**
84 **a successor to an offense** in chapter 566 or section 105.454,
85 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
86 194.425, [217.360,] 217.385, 334.245, 375.991, 389.653,
87 455.085, 455.538, 557.035, [565.084, 565.085, 565.086,
88 565.095,] 565.120, 565.130, 565.156, [565.200, 565.214,]
89 566.093, 566.111, 566.115, **566.116**, 568.020, 568.030,
90 568.032, 568.045, 568.060, 568.065, [568.080, 568.090,]
91 568.175, [569.030, 569.035,] 569.040, 569.050, 569.055,
92 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,
93 [570.090,] 570.180, 570.223, 570.224, [570.310,] 571.020,
94 571.060, 571.063, 571.070, 571.072, 571.150, **573.200**,
95 **573.205**, 574.070, 574.105, 574.115, 574.120, 574.130,
96 **574.140**, 575.040, 575.095, 575.153, 575.155, 575.157,
97 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,
98 575.240, [575.350,] 575.353, 577.078, 577.703, 577.706,
99 [578.008, 578.305, 578.310,] or 632.520;

100 (7) Any offense eligible for expungement under section
101 [577.054 or] 610.130;

102 (8) Any intoxication-related traffic or boating
103 offense as defined in section 577.001, or any offense of
104 operating an aircraft with an excessive blood alcohol
105 content or while in an intoxicated condition;

106 (9) Any ordinance violation that is the substantial
107 equivalent of any offense that is not eligible for
108 expungement under this section;

109 (10) Any violation of any state law or county or
110 municipal ordinance regulating the operation of motor
111 vehicles when committed by an individual who has been issued

112 a commercial driver's license or is required to possess a
113 commercial driver's license issued by this state or any
114 other state; and

115 (11) Any **felony** offense of section 571.030, except any
116 offense under subdivision (1) of subsection 1 of section
117 571.030 where the person was convicted or found guilty prior
118 to January 1, 2017, or any offense under subdivision (4) of
119 subsection 1 of section 571.030.

120 [3.] 4. The petition shall name as defendants all law
121 enforcement agencies, courts, prosecuting or circuit
122 attorneys, [municipal prosecuting attorneys,] central state
123 repositories of criminal records, or others who the
124 petitioner has reason to believe may possess the records
125 subject to expungement for each of the [offenses,
126 violations, and infractions] **crimes** listed in the petition.
127 The court's order of expungement shall not affect any person
128 or entity not named as a defendant in the action.

129 [4.] 5. The petition shall include the following
130 information:

131 (1) The petitioner's:

132 (a) Full name;

133 (b) Sex;

134 (c) Race;

135 (d) Driver's license number, if applicable; and

136 (e) Current address;

137 (2) Each [offense, violation, or infraction] **crime** for
138 which the petitioner is requesting expungement;

139 (3) The approximate date the petitioner was charged
140 for each [offense, violation, or infraction] **crime**; and

141 (4) The name of the county where the petitioner was
142 charged for each [offense, violation, or infraction] **crime**
143 and if any of the [offenses, violations, or infractions]

144 **crimes** occurred in a municipality, the name of the
145 municipality for each [offense, violation, or infraction]
146 **crime**; and

147 (5) The case number and name of the court for each
148 [offense] **crime**.

149 [5.] 6. The clerk of the court shall give notice of
150 the filing of the petition to the office of the prosecuting
151 attorney[, circuit attorney, or municipal prosecuting
152 attorney] that prosecuted the [offenses, violations, or
153 infractions] **crimes** listed in the petition. If the
154 prosecuting attorney[, circuit attorney, or municipal
155 prosecuting attorney] objects to the petition for
156 expungement, he or she shall do so in writing within thirty
157 days after receipt of service. Unless otherwise agreed upon
158 by the parties, the court shall hold a hearing within sixty
159 days after any written objection is filed, giving reasonable
160 notice of the hearing to the petitioner. If no objection
161 has been filed within thirty days after receipt of service,
162 the court may set a hearing on the matter and shall give
163 reasonable notice of the hearing to each entity named in the
164 petition. At any hearing, the court may accept evidence and
165 hear testimony on, and may consider, the following criteria
166 for each of the [offenses, violations, or infractions]
167 **crimes** listed in the petition for expungement:

168 (1) At the time the petition is filed, it has been at
169 least three years if the offense is a felony, or at least
170 one year if the offense is a misdemeanor, municipal
171 [offense] **violation**, or infraction, from the date the
172 petitioner completed any authorized disposition imposed
173 under section 557.011 for each [offense, violation, or
174 infraction] **crime** listed in the petition;

175 (2) At the time the petition is filed, it has been at
176 least ten years from the date on which the authorized
177 dispositions imposed under section 557.011 for all crimes
178 committed within the relevant period have been completed if
179 the crimes sought to be expunged were committed as part of
180 an extended course of criminal conduct under subdivision (3)
181 of subsection 2 of this section;

182 (3) At the time the petition is filed, the person has
183 not been found guilty of any other misdemeanor or felony,
184 not including violations of the traffic regulations provided
185 under chapters 301, 302, 303, 304, and 307, during the time
186 period specified for the underlying [offense, violation, or
187 infraction] crime in subdivision (1) or (2) of this
188 subsection;

189 [(3)] (4) The person has satisfied all obligations
190 relating to any such disposition, including the payment of
191 any fines or restitution;

192 [(4)] (5) The person does not have charges pending;

193 [(5)] (6) The petitioner's habits and conduct
194 demonstrate that the petitioner is not a threat to the
195 public safety of the state; and

196 [(6)] (7) The expungement is consistent with the
197 public welfare and the interests of justice warrant the
198 expungement.

199 A pleading by the petitioner that such petitioner meets the
200 requirements of subdivisions [(5)] (6) and [(6)] (7) of this
201 subsection shall create a rebuttable presumption that the
202 expungement is warranted so long as the criteria contained
203 in subdivisions (1) to [(4)] (5) of this subsection are
204 otherwise satisfied. The burden shall shift to the
205 prosecuting attorney[,] or circuit attorney[, or municipal

206 prosecuting attorney] to rebut the presumption. A victim of
207 [an offense, violation, or infraction] a **crime** listed in the
208 petition shall have an opportunity to be heard at any
209 hearing held under this section[, and the court may make a
210 determination based solely on such victim's testimony]. **A**
211 **court may find that the continuing impact of the offense**
212 **upon the victim rebuts the presumption that expungement is**
213 **warranted.**

214 [6.] 7. A petition to expunge records related to an
215 arrest for an eligible [offense, violation, or infraction]
216 **crime** may be made in accordance with the provisions of this
217 section to a court of competent jurisdiction in the county
218 where the petitioner was arrested no earlier than [three
219 years] **eighteen months** from the date of arrest; provided
220 that, during such time, the petitioner has not been charged
221 and the petitioner has not been found guilty of any
222 misdemeanor or felony offense.

223 [7.] 8. If the court determines that such person meets
224 all the criteria set forth in subsection [5] 6 of this
225 section for each of the [offenses, violations, or
226 infractions] **crimes** listed in the petition for expungement,
227 the court shall enter an order of expungement. In all cases
228 under this section, the court shall issue an order of
229 expungement or dismissal within six months of the filing of
230 the petition. A copy of the order of expungement shall be
231 provided to the petitioner and each entity possessing
232 records subject to the order, and, upon receipt of the
233 order, each entity shall close any record in its possession
234 relating to any [offense, violation, or infraction] **crime**
235 listed in the petition, in the manner established by section
236 610.120. The records and files maintained in any
237 administrative or court proceeding in a municipal,

238 associate, or circuit court for any [offense, infraction, or
239 violation] **crime** ordered expunged under this section shall
240 be confidential and only available to the parties or by
241 order of the court for good cause shown. The central
242 repository shall request the Federal Bureau of Investigation
243 to expunge the records from its files.

244 [8.] **9.** The order shall not limit any of the
245 petitioner's rights that were restricted as a collateral
246 consequence of such person's criminal record, and such
247 rights shall be restored upon issuance of the order of
248 expungement. **Except as otherwise provided under this**
249 **section, the effect of such order shall be to fully restore**
250 **the civil rights of such person to the status he or she**
251 **occupied prior to such arrests, pleas, trials, or**
252 **convictions as if such events had never taken place. This**
253 **includes fully restoring the civil rights of a person to the**
254 **right to vote, the right to hold public office, and to serve**
255 **as a juror.** For purposes of 18 U.S.C. Section
256 921(a)(33)(B)(ii), an order [or] of expungement granted
257 pursuant to this section shall be considered a complete
258 removal of all effects of the expunged conviction. Except
259 as otherwise provided under this section, the effect of such
260 order shall be to restore such person to the status he or
261 she occupied prior to such arrests, pleas, trials, or
262 convictions as if such events had never taken place. No
263 person as to whom such order has been entered shall be held
264 thereafter under any provision of law to be guilty of
265 perjury or otherwise giving a false statement by reason of
266 his or her failure to recite or acknowledge such arrests,
267 pleas, trials, convictions, or expungement in response to an
268 inquiry made of him or her and no such inquiry shall be made
269 for information relating to an expungement, except the

270 petitioner shall disclose the expunged [offense, violation,
271 or infraction] **crime** to any court when asked or upon being
272 charged with any subsequent [offense, violation, or
273 infraction] **crime**. The expunged [offense, violation, or
274 infraction] **crime** may be considered a prior offense in
275 determining a sentence to be imposed for any subsequent
276 offense that the person is found guilty of committing.

277 [9.] 10. Notwithstanding the provisions of subsection
278 [8] 9 of this section to the contrary, a person granted an
279 expungement shall disclose any expunged [offense, violation,
280 or infraction] **crime** when the disclosure of such information
281 is necessary to complete any application for:

282 (1) A license, certificate, or permit issued by this
283 state to practice such individual's profession;

284 (2) Any license issued under chapter 313 or permit
285 issued under chapter 571;

286 (3) Paid or unpaid employment with an entity licensed
287 under chapter 313, any state-operated lottery, or any
288 emergency services provider, including any law enforcement
289 agency;

290 (4) Employment with any federally insured bank or
291 savings institution or credit union or an affiliate of such
292 institution or credit union for the purposes of compliance
293 with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

294 (5) Employment with any entity engaged in the business
295 of insurance or any insurer for the purpose of complying
296 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
297 other similar law which requires an employer engaged in the
298 business of insurance to exclude applicants with certain
299 criminal convictions from employment; or

300 (6) Employment with any employer that is required to
301 exclude applicants with certain criminal convictions from

302 employment due to federal or state law, including
303 corresponding rules and regulations.

304 An employer shall notify an applicant of the requirements
305 under subdivisions (4) to (6) of this subsection.
306 Notwithstanding any provision of law to the contrary, an
307 expunged [offense, violation, or infraction] **crime** shall not
308 be grounds for automatic disqualification of an applicant,
309 but may be a factor for denying employment, or a
310 professional license, certificate, or permit; except that,
311 [an offense, violation, or infraction] **a crime** expunged
312 under the provisions of this section may be grounds for
313 automatic disqualification if the application is for
314 employment under subdivisions (4) to (6) of this subsection.

315 [10.] **11.** A person who has been granted an expungement
316 of records pertaining to a [misdemeanor or felony offense,
317 an ordinance violation, or an infraction] **crime** may answer
318 "no" to an employer's inquiry into whether the person has
319 ever been **arrested, charged, or** convicted of a crime if,
320 after the granting of the expungement, the person has no
321 public record of a [misdemeanor or felony offense, an
322 ordinance violation, or an infraction] **crime**. The person,
323 however, shall answer such an inquiry affirmatively and
324 disclose his or her criminal convictions, including any
325 offense [or violation] expunged under this section or
326 similar law, if the employer is required to exclude
327 applicants with certain criminal convictions from employment
328 due to federal or state law, including corresponding rules
329 and regulations.

330 [11.] **12.** If the court determines that the petitioner
331 has not met the criteria for any of the [offenses,
332 violations, or infractions] **crimes** listed in the petition

333 for expungement or the petitioner has knowingly provided
334 false information in the petition, the court shall enter an
335 order dismissing the petition. Any person whose petition
336 for expungement has been dismissed by the court for failure
337 to meet the criteria set forth in subsection [5] 6 of this
338 section may not refile another petition until a year has
339 passed since the date of filing for the previous petition.

340 [12.] 13. A person may be granted more than one
341 expungement under this section provided that during his or
342 her lifetime, the total number of [offenses, violations, or
343 infractions] **crimes** for which orders of expungement are
344 granted to the person shall not exceed the following limits:

345 (1) Not more than [two] **three** misdemeanor offenses or
346 ordinance violations that have an authorized term of
347 imprisonment; and

348 (2) Not more than [one] **two** felony [offense] **offenses**.

349 A person may be granted expungement under this section for
350 any number of infractions. [Nothing in this section shall
351 prevent the court from maintaining records to ensure that an
352 individual has not exceeded the limitations of this
353 subsection] **A person may not be granted more than one
354 expungement under subdivision (3) of subsection 2 of this
355 section.** Nothing in this section shall be construed to
356 limit or impair in any way the subsequent use of any record
357 expunged under this section of any arrests or findings of
358 guilt by a law enforcement agency, criminal justice agency,
359 prosecuting attorney[,] **or** circuit attorney[, or municipal
360 prosecuting attorney,] including its use as a prior
361 [offense, violation, or infraction] **crime**.

362 [13.] 14. The court shall make available a form for
363 pro se petitioners seeking expungement, which shall include

364 the following statement: "I declare under penalty of
365 perjury that the statements made herein are true and correct
366 to the best of my knowledge, information, and belief."

367 [14.] 15. Nothing in this section shall be construed
368 to limit or restrict the availability of expungement to any
369 person under any other law.

2 [488.650. There shall be assessed as costs
3 a surcharge in the amount of two hundred fifty
4 dollars on all petitions for expungement filed
5 under the provisions of section 610.140. The
6 judge may waive the surcharge if the petitioner
7 is found by the judge to be indigent and unable
8 to pay the costs. Such surcharge shall be
9 collected and disbursed by the clerk of the
10 court as provided by sections 488.010 to
11 488.020. Moneys collected from this surcharge
shall be payable to the general revenue fund.]

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