

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/HCS#2/House Bill No. 495, Page 19, Section 56.750, Line 122,

2 by inserting after all of said line the following:

3 "57.010. 1. At the general election to be held in
 4 1948, and at each general election held every four years
 5 thereafter, the voters in every county in this state shall
 6 elect some suitable person sheriff. No person shall be
 7 eligible for the office of sheriff who has been convicted of
 8 a felony. Such person shall be a resident taxpayer and
 9 elector of said county, shall have resided in said county
 10 for more than one whole year next before filing for said
 11 office and shall be a person capable of efficient law
 12 enforcement. When any person shall be elected sheriff, such
 13 person shall enter upon the discharge of the duties of such
 14 person's office as chief law enforcement officer of that
 15 county on the first day of January next succeeding said
 16 election.

17 2. No person shall be eligible for the office of
 18 sheriff who does not hold a valid peace officer license
 19 pursuant to chapter 590. Any person filing for the office
 20 of sheriff shall have a valid peace officer license at the
 21 time of filing for office. This subsection shall not apply
 22 to the sheriff of any county of the first classification
 23 with a charter form of government with a population over
 24 nine hundred thousand or of any city not within a county.

25 3. The sheriff of any city not within a county shall
26 be required to hold a valid peace officer license pursuant
27 to chapter 590 within two years of being elected as sheriff.

28 57.530. The sheriff of the City of St. Louis shall,
29 with the approval of a majority of the circuit judges of the
30 circuit court of said city, appoint as many deputies and
31 assistants as may be necessary to perform the duties of his
32 or her office[, and]. The annual compensation for
33 sheriff's deputies shall be no less than fifty thousand
34 dollars. The sheriff shall fix the compensation for [their
35 services] deputy assistants, which compensation, however,
36 shall not in any case exceed the annual rate of compensation
37 fixed by the board of aldermen of the City of St. Louis
38 therefor."; and

39 Further amend said bill, page 39, section 191.1005,
40 line 28, by inserting after all of said line the following:

41 "192.2410. 1. A report made under section 192.2405
42 shall be made orally or in writing. It shall include, if
43 known:

- 44 (1) The name, age, and address of the eligible adult;
45 (2) The name and address of any person responsible for
46 care of the eligible adult;
47 (3) The nature and extent of the condition of the
48 eligible adult; and
49 (4) Other relevant information.

50 2. Reports regarding persons determined not to be
51 eligible adults as defined in section 192.2400 shall be
52 referred to the appropriate state or local authorities.

53 3. The department shall maintain a statewide toll-free
54 phone number for receipt of reports and shall operate the
55 hotline continuously for twenty-four hours a day, seven days
56 a week.

57 210.1017. 1. There is hereby created a statewide
58 program called the "Ebony Alert System" referred to in this
59 section as the "system" to aid in the identification and
60 location of an abducted or missing Black youth.

61 2. For the purposes of this section, "abducted or
62 missing Black youth" means a Black individual whose
63 whereabouts are unknown and who is:

64 (1) Less than twenty-five years of age and reasonably
65 believed to be the victim of the offense of kidnapping or
66 kidnapping in the first degree as defined by section 565.110
67 as determined by local law enforcement;

68 (2) Reasonably believed to be the victim of the
69 offense of child kidnapping as defined by section 565.115 as
70 determined by local law enforcement;

71 (3) Less than twenty-five years of age and at least
72 fourteen years of age and who, if under the age of fourteen,
73 would otherwise be reasonably believed to be a victim of
74 child kidnapping as defined by section 565.115 as determined
75 by local law enforcement; or

76 (4) Reasonably believed to be a victim of an offense
77 of trafficking pursuant to sections 566.206, 566.209,
78 566.210, or 566.211.

79 3. The department of public safety shall develop
80 regions to provide the system. The department of public
81 safety shall coordinate local law enforcement agencies and
82 public commercial television and radio broadcasters to
83 provide an effective system. In the event that a local law
84 enforcement agency opts not to set up a system and an
85 abduction occurs within the jurisdiction, it shall notify
86 the department of public safety who shall notify local media
87 in the region.

88 4. The Ebony alert system shall include all state
89 agencies capable of providing urgent and timely information

90 to the public together with broadcasters and other private
91 entities that volunteer to participate in the dissemination
92 of urgent public information. At a minimum, the Ebony alert
93 system shall include the department of public safety,
94 highway patrol, department of transportation, department of
95 health and senior services, and Missouri lottery.

96 5. Participation in an Ebony alert system is entirely
97 at the option of local law enforcement agencies and
98 federally licensed radio and television broadcasters.

99 6. Any person who knowingly makes a false report that
100 triggers an alert pursuant to this section is guilty of a
101 class A misdemeanor."; and

102 Further amend said bill, page 50, section 455.095, line
103 134, by inserting after all of said line the following:

104 "488.426. 1. The judges of the circuit court, en
105 banc, in any circuit in this state may require any party
106 filing a civil case in the circuit court, at the time of
107 filing the suit, to deposit with the clerk of the court a
108 surcharge in addition to all other deposits required by law
109 or court rule. Sections 488.426 to 488.432 shall not apply
110 to proceedings when costs are waived or are to be paid by
111 the county or state or any city.

112 2. The surcharge in effect on August 28, 2001, shall
113 remain in effect until changed by the circuit court. The
114 circuit court in any circuit, except the circuit court in
115 Jackson County, the circuit court in the city of St. Louis,
116 or the circuit court in any circuit that reimburses the
117 state for the salaries of family court commissioners under
118 and pursuant to section 487.020, may change the fee to any
119 amount not to exceed fifteen dollars. The circuit court in
120 Jackson County, the circuit court in the city of St. Louis,
121 or the circuit court in any circuit that reimburses the
122 state for the salaries of family court commissioners under

123 and pursuant to section 487.020 may change the fee to any
124 amount not to exceed twenty dollars. A change in the fee
125 shall become effective and remain in effect until further
126 changed.

127 3. Sections 488.426 to 488.432 shall not apply to
128 proceedings when costs are waived or are paid by the county
129 or state or any city.

130 [4. In addition to any fee authorized by subsection 1
131 of this section, any county of the first classification with
132 more than one hundred one thousand but fewer than one
133 hundred fifteen thousand inhabitants may impose an
134 additional fee of ten dollars excluding cases concerning
135 adoption and those in small claims court. The provisions of
136 this subsection shall expire on December 31, 2019.]; and

137 Further amend said bill, page 52, section 491.065, line
138 62, by inserting after all of said line the following:

139 "509.520. 1. Notwithstanding any provision of law to
140 the contrary, beginning August 28, 2023, pleadings,
141 attachments, exhibits filed with the court in any case, as
142 well as any judgments or orders issued by the court, or
143 other records of the court shall not include the following
144 confidential and personal identifying information:

145 (1) The full Social Security number of any party or
146 any child;

147 (2) The full credit card number, financial institution
148 account number, personal identification number, or password
149 used to secure an account of any party;

150 (3) The full motor vehicle operator license number;

151 (4) [Victim] Information[, including the name,
152 address, and other contact information of the] concerning a
153 victim or witness in a criminal case that is confidential as
154 otherwise provided by law or as prescribed in the Missouri

155 supreme court rules of criminal procedure or Missouri
156 supreme court operating rules;

157 (5) [Witness information, including the name, address,
158 and other contact information of the witness] The home
159 address of any party, victim, witness, or any attorney to a
160 party;

161 (6) Any other full state identification number;

162 (7) The name, address, and date of birth of a minor
163 and, if applicable, any next friend; or

164 (8) The full date of birth of any party; however, the
165 year of birth shall be made available, except for a minor.

166 2. The information provided under subsection 1 of this
167 section shall be provided in a confidential information
168 filing sheet contemporaneously filed with the court or
169 entered by the court, which shall not be subject to public
170 inspection or availability.

171 3. The information in subdivision (6) of subsection 1
172 of this section shall not be made available on the remote
173 public access to records on the statewide court automation
174 case management system.

175 4. Nothing in this section shall preclude an entity
176 including, but not limited to, a financial institution,
177 insurer, insurance support organization, or consumer
178 reporting agency that is otherwise permitted by law to
179 access state court records from using a person's unique
180 identifying information to match such information contained
181 in a court record to validate that person's record.

182 [4.] 5. The Missouri supreme court shall promulgate
183 rules to administer this section.

184 [5.] 6. Contemporaneously with the filing of every
185 petition for dissolution of marriage, legal separation,
186 motion for modification, action to establish paternity, and
187 petition or motion for support or custody of a minor child,

188 the filing party shall file a confidential case filing sheet
189 with the court which shall not be subject to public
190 inspection and which provides:

191 (1) The name and address of the current employer and
192 the Social Security number of the petitioner or movant, if a
193 person;

194 (2) If known to the petitioner or movant, the name and
195 address of the current employer and the Social Security
196 number of the respondent; and

197 (3) The names, dates of birth, and Social Security
198 numbers of any children subject to the action.

199 [6.] 7. Contemporaneously with the filing of every
200 responsive pleading petition for dissolution of marriage,
201 legal separation, motion for modification, action to
202 establish paternity, and petition or motion for support or
203 custody of a minor child, the responding party shall file a
204 confidential case filing sheet with the court which shall
205 not be subject to public inspection and which provides:

206 (1) The name and address of the current employer and
207 the Social Security number of the responding party, if a
208 person;

209 (2) If known to the responding party, the name and
210 address of the current employer and the Social Security
211 number of the petitioner or movant; and

212 (3) The names, dates of birth, and Social Security
213 numbers of any children subject to the action.

214 [7.] 8. The full Social Security number of any party
215 or child subject to an order of custody or support shall be
216 retained by the court on the confidential case filing sheet
217 or other confidential record maintained in conjunction with
218 the administration of the case. The full credit card number
219 or other financial account number of any party may be
220 retained by the court on a confidential record if it is

221 necessary to maintain the number in conjunction with the
222 administration of the case.

223 [8.] 9. Any document described in subsection 1 of this
224 section shall, in lieu of the full number, include only the
225 last four digits of any such number.

226 [9.] 10. Except as provided in section 452.430, the
227 clerk shall not be required to redact any document described
228 in subsection 1 of this section issued or filed before
229 August 28, 2009, prior to releasing the document to the
230 public.

231 [10.] 11. For good cause shown, the court may release
232 information contained on the confidential case filing sheet;
233 except that, any state agency acting under authority of
234 chapter 454 shall have access to information contained
235 herein without court order in carrying out their official
236 duty.

237 12. The term "home address" as used in this section
238 means the address number and street name of an individual's
239 permanent residence and any secondary residence, but shall
240 not include an individual's work address, post office box,
241 or the city and state where an individual resides."; and

242 Further amend said bill, page 91, section 595.325, line
243 82, by inserting after all of said line the following:

244 "610.140. 1. For the purposes of this section, the
245 following terms mean:

246 (1) "Court", any Missouri municipal, associate
247 circuit, or circuit court;

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

250 (3) "Prosecutor" or "prosecuting attorney", the
251 prosecuting attorney, circuit attorney, or municipal
252 prosecuting attorney.

253 2. (1) Notwithstanding any other provision of law and
254 subject to the provisions of this section, any person may
255 apply to any court in which such person was charged or found
256 guilty of any crimes for an order to expunge records of such
257 arrest, plea, trial, or conviction.

258 (2) Subject to the limitations of subsection 13 of
259 this section, a person may apply to have one or more crimes
260 expunged if each such crime occurred within the state of
261 Missouri and was prosecuted under the jurisdiction of a
262 Missouri court, so long as such person lists all the crimes
263 he or she is seeking to have expunged in the petition and so
264 long as all such crimes are not excluded under subsection 3
265 of this section.

266 (3) If the crimes sought to be expunged were committed
267 as part of the same course of criminal conduct, the person
268 may include all such related crimes in the petition,
269 regardless of the limits of subsection 13 of this section,
270 and those related crimes shall only count as the highest
271 level for the purpose of determining current and future
272 eligibility for expungement.

273 3. The following crimes shall not be eligible for
274 expungement under this section:

275 (1) Any class A felony offense;

276 (2) Any dangerous felony as that term is defined in
277 section 556.061;

278 (3) Any offense that requires registration as a sex
279 offender;

280 (4) Any felony offense where death is an element of
281 the offense;

282 (5) Any felony offense of assault; misdemeanor or
283 felony offense of domestic assault; or felony offense of
284 kidnapping;

285 (6) Any offense listed, previously listed, or is a
286 successor to an offense in chapter 566 or section 105.454,
287 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
288 194.425, 217.385, 334.245, 375.991, 389.653, 455.085,
289 455.538, 557.035, 565.120, 565.130, 565.156, 566.093,
290 566.111, 566.115, 566.116, 568.020, 568.030, 568.032,
291 568.045, 568.060, 568.065, 568.175, 569.040, 569.050,
292 569.055, 569.060, 569.065, 569.067, 569.072, 569.160,
293 570.025, 570.090, 570.180, 570.223, 570.224, 570.310,
294 571.020, 571.060, 571.063, 571.070, 571.072, 571.150,
295 573.200, 573.205, 574.070, 574.105, 574.115, 574.120,
296 574.130, 574.140, 575.040, 575.095, 575.153, 575.155,
297 575.157, 575.159, 575.195, 575.200, 575.210, 575.220,
298 575.230, 575.240, 575.353, 577.078, 577.703, 577.706, or
299 632.520;

300 (7) Any offense eligible for expungement under section
301 610.130;

302 (8) Any intoxication-related traffic or boating
303 offense as defined in section 577.001, or any offense of
304 operating an aircraft with an excessive blood alcohol
305 content or while in an intoxicated condition;

306 (9) Any ordinance violation that is the substantial
307 equivalent of any offense that is not eligible for
308 expungement under this section;

309 (10) Any violation of any state law or county or
310 municipal ordinance regulating the operation of motor
311 vehicles when committed by an individual who has been issued
312 a commercial driver's license or is required to possess a
313 commercial driver's license issued by this state or any
314 other state; and

315 (11) Any offense of section 571.030, except any
316 offense under subdivision (1) of subsection 1 of section
317 571.030 where the person was convicted or found guilty prior

318 to January 1, 2017, or any offense under subdivision (4) of
319 subsection 1 of section 571.030.

320 4. The petition shall name as defendants all law
321 enforcement agencies, courts, prosecuting or circuit
322 attorneys, central state repositories of criminal records,
323 or others who the petitioner has reason to believe may
324 possess the records subject to expungement for each of the
325 crimes listed in the petition. The court's order of
326 expungement shall not affect any person or entity not named
327 as a defendant in the action.

328 5. The petition shall include the following
329 information:

330 (1) The petitioner's:

331 (a) Full name;

332 (b) Sex;

333 (c) Race;

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

335 (e) Current address;

336 (2) Each crime for which the petitioner is requesting
337 expungement;

338 (3) The approximate date the petitioner was charged
339 for each crime; and

340 (4) The name of the county where the petitioner was
341 charged for each crime and if any of the crimes occurred in
342 a municipality, the name of the municipality for each crime;
343 and

344 (5) The case number and name of the court for each
345 crime.

346 6. The clerk of the court shall give notice of the
347 filing of the petition to the office of the prosecuting
348 attorney that prosecuted the crimes listed in the petition.
349 If the prosecuting attorney objects to the petition for
350 expungement, he or she shall do so in writing within thirty

351 days after receipt of service. Unless otherwise agreed upon
352 by the parties, the court shall hold a hearing within sixty
353 days after any written objection is filed, giving reasonable
354 notice of the hearing to the petitioner. If no objection
355 has been filed within thirty days after receipt of service,
356 the court may set a hearing on the matter and shall give
357 reasonable notice of the hearing to each entity named in the
358 petition. At any hearing, the court may accept evidence and
359 hear testimony on, and may consider, the following criteria
360 for each of the crimes listed in the petition for
361 expungement:

362 (1) At the time the petition is filed, it has been at
363 least three years if the offense is a felony, or at least
364 one year if the offense is a misdemeanor, municipal
365 violation, or infraction, from the date the petitioner
366 completed any authorized disposition imposed under section
367 557.011 for each crime listed in the petition;

368 (2) At the time the petition is filed, the person has
369 not been found guilty of any other misdemeanor or felony,
370 not including violations of the traffic regulations provided
371 under chapters 301, 302, 303, 304, and 307, during the time
372 period specified for the underlying crime in subdivision (1)
373 of this subsection;

374 (3) The person has satisfied all obligations relating
375 to any such disposition, including the payment of any fines
376 [or], but not including, the payment of any restitution;

377 (4) The person does not have charges pending;

378 (5) The petitioner's habits and conduct demonstrate
379 that the petitioner is not a threat to the public safety of
380 the state; and

381 (6) The expungement is consistent with the public
382 welfare and the interests of justice warrant the expungement.

383 A pleading by the petitioner that such petitioner meets the
384 requirements of subdivisions (5) and (6) of this subsection
385 shall create a rebuttable presumption that the expungement
386 is warranted so long as the criteria contained in
387 subdivisions (1) to (4) of this subsection are otherwise
388 satisfied. The burden shall shift to the prosecuting
389 attorney or circuit attorney to rebut the presumption. A
390 victim of a crime listed in the petition shall have an
391 opportunity to be heard at any hearing held under this
392 section. A court may find that the continuing impact of the
393 offense upon the victim rebuts the presumption that
394 expungement is warranted.

395 7. A petition to expunge records related to an arrest
396 for an eligible crime may be made in accordance with the
397 provisions of this section to a court of competent
398 jurisdiction in the county where the petitioner was arrested
399 no earlier than eighteen months from the date of arrest;
400 provided that, during such time, the petitioner has not been
401 charged and the petitioner has not been found guilty of any
402 misdemeanor or felony offense.

403 8. If the court determines that such person meets all
404 the criteria set forth in subsection 6 of this section for
405 each of the crimes listed in the petition for expungement,
406 the court shall enter an order of expungement. In all cases
407 under this section, the court shall issue an order of
408 expungement or dismissal within six months of the filing of
409 the petition. A copy of the order of expungement shall be
410 provided to the petitioner and each entity possessing
411 records subject to the order, and, upon receipt of the
412 order, each entity shall close any record in its possession
413 relating to any crime listed in the petition, in the manner
414 established by section 610.120. The records and files
415 maintained in any administrative or court proceeding in a

416 municipal, associate, or circuit court for any crime ordered
417 expunged under this section shall be confidential and only
418 available to the parties or by order of the court for good
419 cause shown. The central repository shall request the
420 Federal Bureau of Investigation to expunge the records from
421 its files.

422 9. The order shall not limit any of the petitioner's
423 rights that were restricted as a collateral consequence of
424 such person's criminal record, and such rights shall be
425 restored upon issuance of the order of expungement. Except
426 as otherwise provided under this section, the effect of such
427 order shall be to fully restore the civil rights of such
428 person to the status he or she occupied prior to such
429 arrests, pleas, trials, or convictions as if such events had
430 never taken place. This includes fully restoring the civil
431 rights of a person to the right to vote, the right to hold
432 public office, and to serve as a juror. For purposes of 18
433 U.S.C. Section 921(a)(33)(B)(ii), an order of expungement
434 granted pursuant to this section shall be considered a
435 complete removal of all effects of the expunged conviction.
436 Except as otherwise provided under this section, the effect
437 of such order shall be to restore such person to the status
438 he or she occupied prior to such arrests, pleas, trials, or
439 convictions as if such events had never taken place. No
440 person as to whom such order has been entered shall be held
441 thereafter under any provision of law to be guilty of
442 perjury or otherwise giving a false statement by reason of
443 his or her failure to recite or acknowledge such arrests,
444 pleas, trials, convictions, or expungement in response to an
445 inquiry made of him or her and no such inquiry shall be made
446 for information relating to an expungement, except the
447 petitioner shall disclose the expunged crime to any court
448 when asked or upon being charged with any subsequent crime.

449 The expunged crime may be considered a prior offense in
450 determining a sentence to be imposed for any subsequent
451 offense that the person is found guilty of committing.

452 10. Notwithstanding the provisions of subsection 9 of
453 this section to the contrary, a person granted an
454 expungement shall disclose any expunged crime when the
455 disclosure of such information is necessary to complete any
456 application for:

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

459 (2) Any license issued under chapter 313 or permit
460 issued under chapter 571;

461 (3) Paid or unpaid employment with an entity licensed
462 under chapter 313, any state-operated lottery, or any
463 emergency services provider, including any law enforcement
464 agency;

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

469 (5) Employment with any entity engaged in the business
470 of insurance or any insurer for the purpose of complying
471 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
472 other similar law which requires an employer engaged in the
473 business of insurance to exclude applicants with certain
474 criminal convictions from employment; or

475 (6) Employment with any employer that is required to
476 exclude applicants with certain criminal convictions from
477 employment due to federal or state law, including
478 corresponding rules and regulations.

479 An employer shall notify an applicant of the requirements
480 under subdivisions (4) to (6) of this subsection.

481 Notwithstanding any provision of law to the contrary, an

482 expunged crime shall not be grounds for automatic
483 disqualification of an applicant, but may be a factor for
484 denying employment, or a professional license, certificate,
485 or permit; except that, a crime expunged under the
486 provisions of this section may be grounds for automatic
487 disqualification if the application is for employment under
488 subdivisions (4) to (6) of this subsection.

489 11. A person who has been granted an expungement of
490 records pertaining to a crime may answer "no" to an
491 employer's inquiry into whether the person has ever been
492 arrested, charged, or convicted of a crime if, after the
493 granting of the expungement, the person has no public record
494 of a crime. The person, however, shall answer such an
495 inquiry affirmatively and disclose his or her criminal
496 convictions, including any offense expunged under this
497 section or similar law, if the employer is required to
498 exclude applicants with certain criminal convictions from
499 employment due to federal or state law, including
500 corresponding rules and regulations.

501 12. If the court determines that the petitioner has
502 not met the criteria for any of the crimes listed in the
503 petition for expungement or the petitioner has knowingly
504 provided false information in the petition, the court shall
505 enter an order dismissing the petition. Any person whose
506 petition for expungement has been dismissed by the court for
507 failure to meet the criteria set forth in subsection 6 of
508 this section may not refile another petition until a year
509 has passed since the date of filing for the previous
510 petition.

511 13. A person may be granted more than one expungement
512 under this section provided that during his or her lifetime,
513 the total number of crimes for which orders of expungement

514 are granted to the person shall not exceed the following
515 limits:

516 (1) Not more than three misdemeanor offenses or
517 ordinance violations that have an authorized term of
518 imprisonment; and

519 (2) Not more than two felony offenses.

520 A person may be granted expungement under this section for
521 any number of infractions. Nothing in this section shall be
522 construed to limit or impair in any way the subsequent use
523 of any record expunged under this section of any arrests or
524 findings of guilt by a law enforcement agency, criminal
525 justice agency, prosecuting attorney or circuit attorney,
526 including its use as a prior crime.

527 14. The court shall make available a form for pro se
528 petitioners seeking expungement, which shall include the
529 following statement: "I declare under penalty of perjury
530 that the statements made herein are true and correct to the
531 best of my knowledge, information, and belief."

532 15. Nothing in this section shall be construed to
533 limit or restrict the availability of expungement to any
534 person under any other law."; and

535 Further amend the title and enacting clause accordingly.