

FIRST REGULAR SESSION

SENATE BILL NO. 424

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0855S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 610, RSMo, by adding thereto five new sections relating to expungement.

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

Section A. Chapter 610, RSMo, is amended by adding thereto
2 five new sections, to be known as sections 610.141, 610.142,
3 610.143, 610.144, and 610.146, to read as follows:

**610.141. 1. As used in this section, section 610.140,
2 sections 610.142 to 610.144, and section 610.146, unless the
3 context otherwise indicates, the following terms mean:**

4 (1) "Central repository", the Missouri state highway
5 patrol central repository for compiling and disseminating
6 complete and accurate criminal history records;

7 (2) "Charges pending", charges for which an individual
8 has not yet been sentenced;

9 (3) "Close" or "closed", to make records inaccessible
10 to the general public and to all individuals other than the
11 defendant, except as provided under section 610.120 and
12 chapter 43;

13 (4) "Expunge" or "expunged", to close a record in the
14 manner established under section 610.120;

15 (5) "Expungement without petition", technology-
16 assisted, state-initiated bulk closing of records in the
17 manner established under section 610.120;

18 (6) "Traffic violation", a violation of the traffic
19 regulations provided under chapters 301, 302, 303, 304, and
20 307.

21 2. (1) Beginning August 28, 2028, all records and
22 files maintained in any administrative or court proceeding
23 in a municipal, associate, or circuit court shall be closed
24 in the manner established under section 610.120 without the
25 filing of a petition under section 610.140 in the following
26 cases, subject to the limitations contained in subdivision
27 (3) of subsection 2 of this section:

28 (a) All offenses not excluded from eligibility for
29 expungement under subsection 2 of section 610.140 for which
30 imposition of sentence has been suspended if an individual
31 has successfully completed probation, so long as one year
32 has passed since completion of probation, and the individual
33 has not committed any felony or misdemeanor offense other
34 than a traffic violation during that time;

35 (b) All infractions not excluded from eligibility for
36 expungement under subsection 2 of section 610.140 if
37 eighteen months have passed from the date the sentence was
38 completed and the individual has not committed any felony or
39 misdemeanor offense other than a traffic violation during
40 that time;

41 (c) Misdemeanor offenses not excluded from eligibility
42 for expungement under subsection 2 of section 610.140 if
43 three years have passed since the date the sentence was
44 completed and the individual has not committed any felony or
45 misdemeanor offense other than a traffic violation during
46 that time;

47 (d) Felony offenses not excluded from eligibility for
48 expungement under subsection 2 of section 610.140 if five
49 years have passed since the date the sentence was completed

50 and the individual has not committed any felony or
51 misdemeanor offense other than a traffic violation during
52 that time;

53 (e) All of an individual's offenses not excluded from
54 eligibility for expungement under subsection 2 of section
55 610.140 if the individual has attained sixty-five years of
56 age and has not been convicted of any misdemeanors or
57 felonies other than a traffic violation in the immediate ten
58 preceding years; or

59 (f) All offenses for which the governor of Missouri
60 has granted a full pardon.

61 (2) This section does not include expungement without
62 petition of any records pertaining to juvenile adjudications
63 or offenses involving the operation of a motor vehicle.

64 (3) (a) An individual may be granted more than one
65 expungement under this section, provided that during his or
66 her lifetime the total number of offenses, violations, or
67 infractions for which expungement can be granted to the
68 individual under this section or section 610.140 shall not
69 exceed the following limits:

70 a. No more than three felony offenses; and

71 b. No more than five misdemeanor offenses or ordinance
72 violations that have an authorized term of imprisonment.

73 (b) An individual may be granted expungement under
74 this section for any number of infractions.

75 (c) If an individual's record contains more felonies
76 or misdemeanors than can be expunged during the individual's
77 lifetime under paragraph (a) of subdivision (3) of this
78 subsection, the individual shall not be eligible for
79 expungement without petition under this section.

80 (d) For purposes of determining lifetime limits on
81 expungement under this section and section 610.140:

82 a. If the offenses or violations were charged as
83 counts in the same case, all such offenses and violations
84 shall count as only the highest level offense or violation
85 in that case for purposes of determining lifetime limits on
86 expungement under this section and section 610.140; and

87 b. If the offenses or violations were committed by an
88 individual who has reached sixty-five years of age and has
89 not been convicted of any misdemeanors or felonies other
90 than traffic violations in the immediate ten preceding
91 years, all such offenses and violations not excluded from
92 eligibility for expungement by subsection 2 of section
93 610.140 shall be expunged.

94 3. (1) Beginning August 28, 2028, on a monthly basis,
95 the office of state courts administrator shall identify and
96 transmit to the central repository all records of charges
97 and convictions eligible for expungement under subsection 2
98 of this section, except records relating to ordinance
99 violations or nonreportable offenses, as described under
100 subsection 1 of section 43.506, within thirty days of the
101 record becoming eligible for expungement without petition.

102 (2) Records that are eligible for expungement on or
103 before August 28, 2025, shall be identified and expunged by
104 August 28, 2030.

105 (3) Any case with delinquent court costs, fines, fees,
106 or other sums ordered by a court except restitution owed to
107 a victim of a crime shall not be expunged and shall not be
108 considered by the office of state courts administrator when
109 determining expungement of a record without a petition under
110 subsection 2 of this section. The office of state courts
111 administrator shall seek a setoff of any income tax refund
112 and lottery prize payouts under section 488.5028 for all
113 delinquent court costs, fines, fees, or other sums ordered

114 by a court relating to convictions expunged under subsection
115 2 of this section.

116 (4) If thirty days have passed without an objection
117 from the central repository for one of the reasons set forth
118 under this subsection, the office of state courts
119 administrator shall transmit within fifteen days all the
120 records to be expunged, sorted by circuit, to the presiding
121 judges of every circuit court.

122 (5) (a) Within thirty days of receiving a notice to
123 expunge, the circuit court shall issue orders for
124 expungement of all records maintained in the circuit for
125 which no notification of ineligibility was received by the
126 office of state courts administrator from the central
127 repository unless the circuit court determines the record is
128 not eligible for expungement without petition.

129 (b) If the circuit court determines a record is not
130 eligible for expungement without petition, the court shall
131 notify the office of state courts administrator in writing
132 of its determination within thirty days and shall specify
133 the reasons the court relied upon in making the
134 determination.

135 (6) On a monthly basis, each circuit court shall issue
136 orders for expungement of all records of arrest, charge and
137 conviction for ordinance violations, and nonfingerprintable
138 offenses in the circuit that the court determines are
139 eligible for expungement without petition.

140 (7) On a monthly basis, each circuit court shall
141 transmit copies of all orders for expungement the court
142 issues under this section to the office of state courts
143 administrator.

144 (8) Once the transmitted records are expunged, the
145 office of state courts administrator shall provide notice to

146 all state agencies maintaining official copies of the
147 records including, but not limited to, the appropriate
148 circuit court clerk, the prosecuting attorney, the arresting
149 law enforcement agency or agencies, the department of
150 corrections, the central repository, and the department of
151 revenue to expunge the records within thirty days.

152 (9) The office of state courts administrator shall
153 create a digital access portal of all orders of expungement
154 issued under this section. The portal shall allow users to
155 determine if an order for expungement without petition has
156 been granted in an individual's name. The portal shall
157 employ measures to prevent disclosure of any order to anyone
158 other than the individual for whom the order was issued.

159 4. Any court sentencing an individual for an offense
160 not excluded from eligibility for expungement under
161 subsection 2 of section 610.140 or any other state or
162 federal law shall notify the individual at the time of
163 sentencing of the date when the individual's conviction may
164 become eligible for expungement, provided the individual is
165 not convicted of any misdemeanor or felony, not including a
166 violation of a traffic regulation, during the time period
167 specified for the underlying offense or offenses.

168 5. Any probation or parole office releasing an
169 individual from supervision for an offense or offenses not
170 excluded from eligibility under subsection 2 of section
171 610.140 shall notify the individual at the time supervision
172 is discharged of the date when the individual's record or
173 records may become eligible for expungement, provided the
174 individual is not convicted of any misdemeanor or felony,
175 not including a violation of a traffic regulation, during
176 the time period specified for the underlying offense or
177 offenses.

178 6. The provisions of this section shall apply
179 retroactively to any arrest, charge, trial, and conviction
180 regardless of the date that the arrest was made, the charge
181 or charges were brought, the trial occurred, or the
182 conviction was entered.

183 7. Nothing in this section precludes an individual
184 from filing a petition for expungement of records under
185 section 610.140 if an individual is eligible for an
186 expungement without petition under this section but if such
187 an expungement without petition has not yet occurred or
188 cannot occur.

 610.142. An offense expunged under section 610.141
2 shall be reinstated by the court upon motion if the court
3 finds the conviction was improperly or erroneously expunged
4 under subsection 2 of section 610.141 because the conviction
5 was not eligible to be expunged under subsection 2 of
6 section 610.140 or subsection 2 of section 610.141.

 610.143. Beginning August 28, 2028, the office of
2 state courts administrator shall report to the judiciary
3 committees of the senate and house of representatives, or
4 any successor committees, the following on a yearly basis:

5 (1) The number of records expunged under subsection 2
6 of section 610.141, by judicial circuit, with data
7 aggregated by race, sex, age, circuit, county, and offense
8 type and level;

9 (2) The number of records transmitted from the
10 Missouri state highway patrol back to the office of state
11 courts administrator on objection that the record is not
12 eligible for expungement without petition or that the record
13 does match data held in the central repository, by judicial
14 circuit, with data aggregated by race, sex, age, county, and
15 offense type and level; and

16 (3) The number of records transmitted by each circuit
17 court back to the office of state courts administrator that
18 the circuit court determined not eligible for expungement
19 without petition, with data aggregated by race, sex, age,
20 circuit, county, and offense type and level.

 610.144. 1. A credit bureau may report records of
2 arrests, indictments pending trial, and convictions of
3 crimes for no longer than seven years from the date of
4 release or parole. Records of arrests, indictments pending
5 trial, and convictions of crimes shall no longer be reported
6 if at any time after a conviction it is learned that a full
7 pardon or expungement has been granted for that conviction,
8 or at any time after an arrest or indictment it is learned
9 that a conviction did not result.

10 2. Any credit bureau or user of information that
11 willfully fails to comply with any requirement of this
12 section with respect to any consumer is liable to that
13 consumer in an amount equal to:

14 (1) Any actual damages sustained by the consumer as a
15 result of the failure;

16 (2) Punitive damages as the court may allow; and

17 (3) In the case of any successful action under this
18 section, costs of the action and reasonable attorney's fees
19 as determined by the court.

20 3. Any credit bureau or user of information that is
21 negligent in failing to comply with any requirement of this
22 section with respect to any consumer is liable to that
23 consumer in an amount equal to:

24 (1) Any actual damages sustained by the consumer as a
25 result of the failure; and

26 (2) In the case of any successful action under this
27 section, costs of the action and reasonable attorney's fees
28 as determined by the court.

29 4. Injunctive relief shall be available to any
30 consumer aggrieved by a violation or a threatened violation
31 of this section regardless of whether the consumer seeks any
32 other remedy under this section.

33 5. An employer who employs or otherwise engages an
34 individual whose criminal history record has been expunged
35 shall be immune from liability for any claim arising out of
36 the misconduct of the individual if the misconduct relates
37 to the portion of the criminal history record that has been
38 expunged.

 610.146. 1. (1) There is hereby created in the state
2 treasury the "Missouri Expungement Fund", which shall
3 consist of moneys deposited into the fund from any source
4 including, but not limited to, gifts, donations, grants, and
5 bequests. The state treasurer shall be custodian of the
6 fund. In accordance with sections 30.170 and 30.180, the
7 state treasurer may approve disbursements. The fund shall
8 be a dedicated fund and, upon appropriation, moneys in this
9 fund shall be used solely as provided in subsection 2 of
10 this section.

11 (2) Notwithstanding the provisions of section 33.080
12 to the contrary, any moneys remaining in the fund at the end
13 of the biennium shall not revert to the credit of the
14 general revenue fund.

15 (3) The state treasurer shall invest moneys in the
16 fund in the same manner as other funds are invested. Any
17 interest and moneys earned on such investments shall be
18 credited to the fund.

19 2. The department of public safety, the information
20 technology services division within the office of
21 administration, and the office of state courts administrator
22 shall expend moneys from the fund, upon appropriation, only
23 for one or more of the following purposes:

24 (1) Implementation costs incurred under sections
25 610.141 to 610.143;

26 (2) System upgrades necessitated under sections
27 610.141 to 610.143; or

28 (3) Staffing needs necessitated under sections 610.141
29 to 610.143.

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