

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0610S.01I
 Bill No.: SB 19
 Subject: Courts; Crimes and Punishment; Department of Public Safety; Office of Administration; Criminal Procedure; Law Enforcement Officers and Agencies; Highway Patrol
 Type: Original
 Date: January 28, 2025

Bill Summary: This proposal creates provisions relating to expungement.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2029)
General Revenue	(Could exceed \$39,673,749)	(Could exceed \$84,695,518)	(Could exceed \$84,354,056)	(Likely to exceed \$84,354,056)
Total Estimated Net Effect on General Revenue	(Could exceed \$39,673,749)	(Could exceed \$84,695,518)	(Could exceed \$84,354,056)	(Likely to exceed \$84,354,056)

* Oversight notes litigation exposure as described by OA could apply to the General Revenue Fund. It is assumed costs could exceed \$250,000 annually.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2029)
State Legal Expense*/**	\$0	\$0	\$0	\$0
College and University**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Other/Variou**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Missouri Expungement***	\$0	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other State Funds</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

* Transfer-In and expenses net to zero.

** Oversight notes litigation exposure as described by OA could apply to the State Legal Expense fund, various other state funds and Colleges and Universities. It is assumed costs could exceed \$250,000 annually.

*** Transfers-in, gifts, grants, bequests and expenses net to \$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2029)
Federal**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>All Federal Funds</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

** Oversight notes litigation exposure as described by OA could apply to federal funds. It is assumed costs could exceed \$250,000 annually.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2029)
Missouri Expungement Fund	Up to 407 FTE	Up to 801 FTE	Could exceed 801 FTE	Could exceed 801 FTE
Total Estimated Net Effect on FTE	Up to 407 FTE	Up to 801 FTE	Could exceed 801 FTE	Could exceed 801 FTE

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of The three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2029)
Local Government**	\$0 to (Unknown)	\$0 to (Unknown)	(Unknown)	(Unknown)

** Oversight notes litigation exposure as described by OA could apply to local governments. It is assumed costs could exceed \$250,000 annually.

FISCAL ANALYSIS

ASSUMPTION

§§610.141, 610.142, 610.143, and 610.144 - Expungement

Officials from the **Department of Public Safety (DPS) - Missouri Highway Patrol (MHP)** state currently, there are approximately 10,750,000 conviction records in the Traffic Arrest System/Driving While Intoxicated Tracking System (TAS/DWITS) that could possibly meet the criteria of this proposed legislation. This does not include driving while intoxicated-related offenses as these are excluded from expungement pursuant to §610.140. These expungements are processed by the Patrol Records Division. In addition, the MHP anticipates receiving over 380,000 Criminal History Records System expungement requests per year. These requests are processed within the Patrol by the Criminal Justice Information Services (CJIS) Division. Once the court expungement order is received by the MHP, the Patrol Records Division and the CJIS Division personnel would be required to make certain the individual(s) meets the criteria for expungement noted in this legislation. There are not enough existing Patrol personnel to handle the potential increased volume of expungement requests resulting from this proposed legislation. The Patrol is factoring a range as for the number of personnel needed in order to provide an idea of what the costs may be. In addition, there is an average of 300,000 court dispositions with the offense class of misdemeanor, infraction, or local ordinance and a finding of guilty or guilty-SIS added to TAS/DWITS each year.

This legislation has a proposed effective date of August 28, 2028. The Patrol anticipates the need to begin building the technical interface with the courts in FY26. The Patrol will also need to start the process of hiring and training personnel in FY26 in an effort to be prepared for the implementation as required in §§610.141.2(1) and 610.141.3(2). Included within the costs would be leased space, a computer system software upgrade, and expense and equipment such as office equipment and computers.

The Patrol will process the requested expungements within two separate divisions. Those divisions are identified as the Patrol Records Divisions (PRD) and the Criminal Justice Information Services (CJIS) Division. Each division is tasked with varying processes for each expungement type.

The MHP calculates that one (1) Patrol Records Division (PRD) FTE can process approximately 3,728 expungements per year. Considering this bill automates the expungement process and excludes the filing of a petition for expungement, a 15% or more expungement of records is realistic. With the current 10,750,000 records possibly eligible for expungement, the following percentages of persons actually receiving an expungement will directly relate to the number of Patrol Records Division FTEs required:

$$\begin{aligned} 1\% &= 10,750,000 \times .01 = 107,500 / 3,728 = 29 \text{ FTEs} \\ 5\% &= 10,750,000 \times .05 = 537,500 / 3,728 = 144 \text{ FTEs} \\ 10\% &= 10,750,000 \times .10 = 1,075,000 / 3,728 = 288 \text{ FTEs} \\ 15\% &= 10,750,000 \times .15 = 1,612,500 / 3,728 = 432 \text{ FTEs} \end{aligned}$$

One (1) Criminal Justice Information Services Division (CJIS) FTE can process approximately 1,920 expungement orders per month. Based upon recent data, the CJIS Division estimates receiving 32,000 expungement orders per month ($32,000/1,920 = 16.67$ FTE). With this data, the MHP anticipates needing seventeen (17) additional FTE within the CJIS Division Technicians to process the potential expungements along with 2 CJIS Supervisors and 1 Program Manager for a total of 20 FTE.

The **MHP** states without space available for the additional personnel needed to fulfill the requirements of this legislation, the MHP would need leased space for the additional employees. A cost range is based on existing leased space in Cole County. In looking at existing leased space, the range would be from \$9.11/square foot to \$11.50/square foot. For 175 employees, approximately 37,188 square feet would be needed (175 employees x 212.5 square feet) and for 501 employees, approximately 106,463 square feet would be needed (501 employees x 212.5 square feet). Therefore, the total estimated annual leasing costs in Cole County for 175 FTE would be between \$338,783 and \$427,662. The estimated annual leasing costs for 501 FTE would be between \$969,878 and \$1,224,325.

Oversight notes the MHP has modified its response from similar legislation in prior years (HB 352, 2022). Rather than hiring temporary staff, the MHP believes the FTEs needed to fulfill the requirements of this legislation will be permanent, full-time staff. Oversight notes the MHP assumes it could hire up to 501 FTE in total (432 PRD FTE + 43 PRD Supervisor FTE + 17 CJIS FTE + 9 program manager/supervisor/assistant director and maintenance FTE = 501 FTE) and will range associated costs as “up to” the estimates provided. However, Oversight assumes the MHP would not hire up to 501 FTE in the first year of the proposal. Oversight assumes, instead, that the MHP will hire up to 250 FTE in FY2026 to train and begin the process of identifying records eligible for expungement on/before August 28, 2025 and further assumes MHP will hire up to 251 FTE in FY2027. Oversight also assumes leased space will be needed as well as equipment and expense and will present approximately half of the costs estimated by MHP for each year.

MHP officials state the MHP CJIS Division does not have a technical interface with the courts for this requirement, therefore, the CJIS Division estimates the technical interface will cost \$500,000 to \$1,000,000 based on other criminal history related projects with the current criminal history vendor. A project of this magnitude would take approximately 3 years to complete which would go well beyond the August 28, 2028, requirement.

Oversight notes the provisions of this bill state the MHP shall create and maintain an electronically accessible record of each conviction recorded and maintained in the Central

Repository that was expunged under this section. Beginning August 28, 2028, on a monthly basis, the Office of the State Courts Administrator (OSCA) is to identify and transmit eligible expungements to the Central Repository within 30 days of the record becoming eligible for expungement. Records that are eligible for expungement on or before August 28, 2025, shall be identified and expunged by August 28, 2030.

Based on additional information from MHP officials, Oversight will present \$500,000 to \$1,000,000 in costs for the MHP's Criminal History System's upgrade to expunge records in FY2027. Assuming funds would not be appropriated for this upgrade in the FY2026 budget, MHP believes it would be required to submit a supplemental appropriation request. By placing the costs in FY2027, a new decision item could be submitted in the FY2027 budget request to cover this cost.

Oversight also notes §610.141 states beginning August 28, 2028, all records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court shall be closed without the filing of a petition.

Officials from the **Office of State Courts Administrator (OSCA)** state the fiscal impact on Show-Me Courts and possibly other systems would be approximately \$3,000,000 to \$5,000,000 to develop with an annual cost of approximately \$1,000,000 to manage the system.

OSCA notes the proposed legislation includes directives to the State Courts Administrator that would require no less than 13 FTE with a personal services cost of \$903,148, fringe benefit costs of \$557,062 and expense and equipment costs of \$263,548 (\$136,006 one-time cost), for a total cost of approximately \$1,723,758.

Additionally, a minimum of \$12,710,174 personal service costs for 287 FTE court clerks or equivalent at OSCA plus \$854,686 (\$607,579 one-time cost) E&E totaling \$13,564,860 would be needed to process the approximate electronic expungement cases, to an unknown amount of FTE. (Oversight calculated fringe benefit costs for 287 FTE.)

Oversight has no information to the contrary. Oversight assumes OSCA would hire the 13 FTE needed to create and establish the program as well as the \$3,000,000 to \$5,000,000 to develop the program in FY2026.

Oversight assumes the OSCA would not hire 287 court clerk FTE in FY2026. For fiscal note purposes, Oversight will present OSCA as hiring up to 144 FTE for FY 2026 and the additional 143 FTE in FY2027. FTE and costs for FY2028 will be presented as "Could exceed..." as OSCA states the court clerk FTE are considered a minimum. Oversight notes total personal services, fringe benefit and E&E costs for **FY2026** are presented as \$6,066,943 PS (13 FTE + 144 FTE = 157 FTE); \$4,134,238 FBs (FBs for 13 FTE + FBs for 144 FTE); and \$650,459 (E&E for 13 FTE + E&E 144 FTE).

Oversight notes §610.144 establishes a new fund which consists of moneys appropriated by the General Assembly to the fund or any gifts, bequests, or grants. The Department of Public Safety,

the Information Services Division within the Office of Administration and Office of the State Courts Administrator will be able to expend moneys from this fund, upon appropriation, for implementation costs, system upgrades or staffing needs incurred under §§610.141 to 610.143. For fiscal note purposes, Oversight will reflect the cost for this program as **(Up to \$39,673,749) for FY2026; (Up to \$84,695,518 for FY2027); (Could exceed \$84,354,056) for FY2028; and (Likely to exceed \$84,354,056) for FY2029** to the General Revenue Fund. Additionally, Oversight also assumes an unknown income to the Missouri Expungement Fund from gifts, grants, or donations.

For fiscal note purposes, Oversight assumes services provided under this proposal will equal income and net to zero.

Officials from the **Department of Corrections (DOC)** state this legislation creates provisions relating to expungement.

Expunging these records for the specified offenses in §610.141, through destruction, or removal will result in an increase in workload for the Department's Institutional Records Officers, as they are the custodian of records for DOC's offender files. This may also affect records kept at Probation and Parole Offices.

While the department assumes a \$0 - Unknown impact, there is some concern for tracking previous medical, mental health, substance use treatment, and education records should the offender return to supervision by the DOC. The DOC anticipates the unknown impact will exceed \$250,000 annually.

If there should be a significant number of additional requests for expungement or a significant expansion in the number of offenses that could be expunged, it could result in additional costs to the DOC.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect a \$0 (can absorb) to DOC's (unknown) impact to the General Revenue Fund beginning FY 2029 since §610.141 provides that records will be closed beginning August 28, 2028.

Officials from the **Department of Revenue (DOR)** state §610.141.2(2) provides that records pertaining to juvenile adjudications or offenses involving the operation of a motor vehicle are not eligible for automated expungement. The department anticipates that it would continue to receive court orders of expungement for any conviction or action related to these sections to be reviewed and processed manually by the DOR; §610.141.3(10) states the DOR has thirty (30) days to expunge the records once the order is received from the court; and §610.141.6 states that the provisions of this section shall apply retroactively.

DOR officials provide that with the statutory requirement of thirty (30) days to process the expungement, and the provisions applying retroactively, the department is concerned that its

existing staff may not be able to process the volume of orders in the mandated timeframe. There is no data to assist in determining the volume of orders the DOR will receive, but it is anticipated it will not cause the department to need additional FTE. If the workload increase is more significant than anticipated, and the DOR finds it is unable to absorb the additional work with existing staff, the department may request additional FTE through the appropriations process.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for this agency.

Officials from the **Office of Administration (OA)** state, for §610.143, OA assumes the proposal will have no fiscal impact on their organization. From the plain language of this bill, it appears that a state agency obtaining a credit report could be a “user of information.” However, the violation identified in §610.144 for which a penalty could be assessed is only for improperly “reporting” an arrest, indictment or conviction. A state agency using information from a credit agency would not appear to be “reporting” that information. Therefore, OA assumes that there would be no impact from this bill. If OA’s interpretation of this provision is incorrect, fiscal impact to the Legal Expense Fund (LEF) could result.

OA officials state §610.144 has the potential to increase costs to the state LEF for actions alleging violation by a state employee in connection with their official duties on behalf of the state. This would be subject to judicial interpretation; therefore, potential costs to the state are unknown.

Because this bill creates a possible new cause of action, **Oversight** will show a net \$0 direct fiscal impact for the LEF, and a possible \$0 to (unknown) fiscal impact to General Revenue and other state funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities, federal funds, as well as local political subdivisions. It is further assumed the unknown litigation fiscal impact could exceed \$250,000 annually.

Officials from the **Missouri Lottery Commission (Lottery)** assume the proposal will have no fiscal impact on their organization. The Lottery assumes fingerprint background checks authorized under §313.220.2 will still have access to closed criminal history information that states, “Notwithstanding the provisions of section 610.120, the commission shall have access to closed criminal history information when fingerprints are submitted.” In addition, 610.120.1 states closed records shall be available to agencies authorized by “applicable state law when submitting fingerprints to the central repository.”

Officials from the **St. Louis County Police Department** state this legislation would require the expungement of various offenses by 2028. Due to the variety of eligible offenses and requirements, it is difficult to determine an exact cost. The legislation would require additional manpower in the police record room to process the petitions; therefore, the cost is unknown, but significant.

Officials from the **Branson Police Department** state it is anticipated that this will force our agency to hire an additional Records Clerk position to research and complete all automatic expungement orders. With salary and benefits, this will cost the agency over \$70,000 and does not factor in the additional time of a Records Supervisor or Police Department Command level officer to review and make final determinations on the expungement orders.

Oversight notes the cost of additional personnel and other costs required by both the Branson and St. Louis County Police Departments to implement the provisions of this proposal. Oversight is unable to project a statewide cost. Therefore, the impact to local governments will be presented as (Unknown).

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Public Safety (DPS) - Office of the Director** defer to the **DPS - Missouri Highway Patrol** for the potential fiscal impact of this proposal.

Officials from the **Department of Commerce and Insurance**, the **Department of Labor and Industrial Relations**, the **Department of Social Services**, the **Office of the Governor**, the **Missouri Department of Transportation**, the **Office of the State Public Defender**, the **Office of the State Treasurer**, the **City of Kansas City**, the **Phelps County Sheriff**, the **Kansas City Police Department**, and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, county circuit clerks, county prosecutors, sheriffs and police departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2029)
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GENERAL REVENUE				
<u>Cost</u> – Potential increase in payments to the Legal Expense Fund for increase in claims (§610.143) p.8	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – DOC – expungement of records (§610.141) p. 7	\$0	\$0	\$0	\$0 to (Unknown)
<u>Transfer Out</u> – To the Missouri Expungement Fund p. 7	Up to (\$39,673,749)	Up to (\$84,695,518)	Could exceed (\$84,354,056)	<u>Likely to exceed</u> (\$84,354,056)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Could exceed \$39,673,749)</u>	<u>(Could exceed \$84,695,518)</u>	<u>(Could exceed \$84,354,056)</u>	<u>(Likely to exceed \$84,354,056)</u>
STATE LEGAL EXPENSE FUND (0692)				
<u>Transfer In</u> - from GR, Federal, and Other State Funds - potential increase in claims (§610.143) p.8	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer Out</u> - payment of discrimination claims (§610.143) p.8	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT</u> – State Government	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2029)

COLLEGE AND UNIVERSITY FUNDS				
<u>Cost</u> - Colleges & Universities - potential increase in claims (§610.143) p.8	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
ESTIMATED NET EFFECT ON COLLEGE AND UNIVERSITY FUNDS	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
OTHER/VARIOUS STATE FUNDS				
<u>Cost</u> - Potential increase in payments to Legal Expense Fund for increase in claims (§610.143) p.8	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
ESTIMATED NET EFFECT TO OTHER STATE FUNDS	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
MISSOURI EXPUNGEMENT FUND				
<u>Income</u> – Gifts, grants, donations (§610.144) p. 6-7	\$0	\$0	\$0 to Unknown	\$0 to Unknown
<u>Transfer In</u> – from General Revenue (§§610.141 – 610.144) p. 7	Up to \$39,673,749	Up to \$84,695,518	Could exceed \$84,354,056	Likely to exceed \$84,354,056
<u>FISCAL IMPACT</u> – <u>State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2029)

<u>Cost – OSCA (§610.141 to 610.144) - to expunge records p.6-7</u>	Up to...	Up to...	Could exceed...	Likely to exceed...
Personal service	(\$6,066,943)	(\$13,885,492)	(\$14,163,204)	(\$14,163,204)
Fringe benefits	(\$4,134,239)	(\$10,296,592)	(\$10,411,877)	(\$10,411,877)
Equip. and expense	(\$650,459)	(\$684,873)	(\$389,785)	(\$389,785)
<u>Total Costs - OSCA</u>	(\$10,851,641)	(\$24,866,957)	(\$24,964,866)	(\$24,964,866)
FTE Change - OSCA	Up to 157 FTE	Up to 300 FTE	Could exceed 300 FTE	Could exceed 300 FTE
<u>Costs - OSCA – Show-Me Courts & Other System updates and maintenance</u>	(\$3,000,000 to \$5,000,000)	(\$1,000,000)	(\$1,000,000)	(\$1,000,000)
<u>Costs – DPS-MHP (§610.141 to 610.144) - to expunge records p.4-6</u>	Up to...	Up to...	Could exceed...	Likely to exceed...
Personal service	(\$11,967,650)	(\$29,645,060)	(\$30,237,961)	(\$30,237,961)
Fringe benefits	(\$10,783,875)	(\$26,398,926)	(\$26,926,904)	(\$26,926,904)
Equip. and Expense	(\$560,250)	(\$560,250)	\$0	\$0
Leased office space	(\$510,333)	(\$1,224,325)	(\$1,224,325)	(\$1,224,325)
<u>Total cost – MHP</u>	(\$23,822,108)	(\$57,828,561)	(\$58,389,190)	(\$58,389,190)
FTE Change – MHP	Up to 250 FTE	Up to 501 FTE	Up to 501 FTE	Up to 501 FTE
<u>Costs – DPS-MHP Criminal Records System Updates</u>	\$0	(\$500,000 to \$1,000,000)	\$0	\$0
ESTIMATED NET EFFECT ON THE MISSOURI EXPUNGEMENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change on the Missouri Expungement Fund	407 FTE	Up to 801 FTE	Could exceed 801 FTE	Could exceed 801 FTE
<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2029)

FEDERAL FUNDS				
<u>Cost - Potential increase in claims (§610.143) p.8</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2029)
LOCAL POLITICAL SUBDIVISIONS				
<u>Cost – Community Colleges - Potential increase in claims (§610.143) p.8</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<u>Cost – Local political subdivisions (§610.144.2) To expunge records p. 8-9</u>	\$0	\$0	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act provides that beginning August 28, 2028, all records and files maintained by any court pertaining to clean slate eligible offenses, which shall be offenses currently eligible for expungement by law, shall become closed records without the filing of a petition, subject to certain requirements as provided in this act. Additionally, this act provides certain time limitations for when records shall be closed and limitations on the amount of offenses which may be expunged, as provided in this act.

This act also provides that beginning August 28, 2028, the Office of State Courts Administrator (OSCA) shall identify and transfer on a monthly basis all clean slate eligible offenses records to the Central Repository and every prosecuting agency in the state within 30 days of the offenses becoming eligible for expungement. All records currently eligible for automated expungement shall be expunged by August 28, 2030. The provisions of this act shall not expunge any delinquent court costs, fines, fees, or other sums order by the court. A prosecuting agency may file an objection to the automated expungement within 60 days from notification of expungement by OSCA.

Additionally, OSCA shall provide notification of records to be expunged to the presiding judges of every circuit court and the courts shall order the expungement of all records eligible for expungement, as provided in the act. The Missouri State Highway Patrol shall keep nonpublic records of expungement available to certain entities.

Finally, this act provides that, for purposes of the law, the petitioner shall be considered not to have been previous convicted, except for purposes of the requirement to pay restitution to the victim and other purposes as provided in the act. (§610.141)

This act provides that a credit bureau may report records of arrests, indictments pending trial, and convictions of crimes for no longer than 7 years from final disposition. However, any records which have been expunged or any records of a person who has been granted a pardon shall not be reported. Any credit bureau which willfully or negligently violates this act shall be subject to civil penalties. (§610.143)

This act creates the "Missouri Expungement Fund" which shall be used by the Department of Public Safety, the Office of Administration, and the Office of State Courts Administrator to provide system upgrades, staffing needs, and implement the provisions of this act. (§610.144)

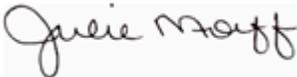
This legislation is not federally mandated, would not duplicate any other program but would require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety –
 Director's Office
 Missouri Highway Patrol
Department of Social Services
Office of the Governor
Missouri Department of Transportation

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Office of Administration
Office of the State Public Defender
Office of the State Treasurer
City of Kansas City
Phelps County Sheriff
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Missouri Lottery Commission
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
January 28, 2025



Jessica Harris
Assistant Director
January 28, 2025