

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6314S.01I
 Bill No.: SB 1494
 Subject: Courts; Crimes and Punishment; Criminal Procedure; Highway Patrol
 Type: Original
 Date: February 17, 2026

Bill Summary: This proposal establishes procedures for the automatic expungement of certain criminal offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--|------------------------------------|------------------------------------|------------------------------------|--|
| General Revenue | (Could exceed \$33,936,283) | (Could exceed \$47,200,865) | (Could exceed \$47,692,961) | (Likely to exceed \$48,955,221) |
| Total Estimated Net Effect on General Revenue | (Could exceed \$33,936,283) | (Could exceed \$47,200,865) | (Could exceed \$47,692,961) | (Likely to exceed \$48,955,221) |

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--|------------|------------|------------|-----------------------------|
| Missouri Expungement* | \$0 | \$0 | \$0 | \$0 |
| Total Estimated Net Effect on Other State Funds | \$0 | \$0 | \$0 | \$0 |

* Transfer-In and expenses net to zero.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--|---------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Federal* | \$0 or (Up to \$555,876) | \$0 or (Up to \$1,111,753) | \$0 or (Up to \$2,779,382) | \$0 or (Up to \$5,558,765) |
| Total Estimated Net Effect on All Federal Funds | \$0 or (Up to \$555,876) | \$0 or (Up to \$1,111,753) | \$0 or (Up to \$2,779,382) | \$0 or (Up to \$5,558,765) |

*Potential loss due to non-compliance with Federal Motor Carrier Safety Regulations.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Missouri Expungement | Could exceed 321 FTE | Could exceed 464 FTE | Could exceed 464 FTE | Could exceed 443 FTE |
| Total Estimated Net Effect on FTE | Could exceed 321 FTE | Could exceed 464 FTE | Could exceed 464 FTE | Could exceed 443 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 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--------------------------|------------|------------|------------------|-----------------------------|
| Local Government* | \$0 | \$0 | (Unknown) | (Unknown) |

* Unknown costs associated with expunging records.

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 11,200,000 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, 2029. The Patrol anticipates the need to begin building the design and bid process for the technical interface with the courts in FY27. The Patrol will also need to start the process of hiring and training personnel in FY27 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.

Patrol Records Division (PRD)

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. Currently, there are approximately 11,200,000 records in the TAS/DWITS with Guilty, or Guilty-Suspended Imposition of Sentence (SIS) dispositions. (These do not include DWI-related offenses, which are excluded from expungement pursuant to §610.140. Some of the 11 million records will be expunged pursuant to the passage of Amendment 3 in 2022.)

If only 20% of the individuals who qualified to have his or her record expunged pursuant to this proposed bill were granted an expungement order by the court, there would be approximately 2,240,000 initial expungement orders submitted to the Patrol, which would require 120 FTE for the first 5 years in order to be expunged by the August 28, 2031 deadline (610.141.3(2)). (2,240,000 expungements/3,728 processed per PRD FTE annually/5 years = 120 FTE) Using the 20% figure above, a total of 12 FTE would warrant the positions be classified as Senior Program Specialist (Supervisory).

With the current 11,200,000 records possibly eligible for expungement, the number of persons actually receiving an expungement will directly relate to the number of Patrol Records Division FTE Titled PRD Program Assistant needed by the MHP.

The Patrol Records Division would have to find additional office space to accommodate 120 FTE needed to process only 20% of the possible expungements. There would be recurring costs for office supply charges per FTE.

Criminal Justice Information System (CJIS)

Based on the Patrol's experience with expunging and vacating records related to Constitutional Amendment XIV, the Central Repository is heavily dependent on the Office of the State Courts Administrator (OSCA). The technical requirements to effectively implement an automated expungement process, the Central Repository is reliant on OSCA fully coding their system to fully integrate with the Patrol. Outdated data transfer processes such as weekly file transfers would not be sufficient for this process and would require a webservice interface. Additionally, for the Central Repository to review each court order and verify that the automated expungement process was successful, current staffing levels or court interfaces are not sufficient.

Oversight notes §610.141.3(2) states all electronic records in the statewide court automation case management system that become eligible for automatic expungement on or after August 28, 2026, but before August 29, 2029, shall be identified and expunged before August 28, 2031.

The **MHP's CJIS Division** estimates that 2,700,000 records would become eligible on August 28, 2026. CJIS would have 5 years to process these records. On average 1 person can process 23,040 records per year.

2,700,000 records divided by 5 years = 540,000 records processed per year to meet the proposed deadline.

540,000 records divided by 23,040 records = 24 FTE's needed.

CJIS estimates it would need a minimum of 24 FTE CJIS Program Assistants to process the request along with 3 CJIS Senior Program Specialists/Supervisor and 1 Program Coordinator for a total of 28 FTE's. This does not account for review by MSHP legal counsel

The **CJIS Division** estimates that 9,295 records would become eligible each month. This equates to 111,542 records per year. On average 1 person can process 23,040 records per year.

9,295 records eligible per month x 12 months = 111,542 records per year.

111,542 records divided by 23,040 records = 5 FTE's

CJIS estimates it would need a minimum of 5 FTE CJIS Program Assistants to process the request. This does not account for review by MSHP legal counsel.

Oversight spoke with MHP officials regarding CJIS staff completing required record expungements before 8-28-31. Starting 8-28-31 (FY 2032), the CJIS Division will only need 5 FTE Program Assistants to process ongoing records. Oversight assumes only 1 CJIS Senior Program Specialist/Supervisor and 1 Program Coordinator would be needed to supervise 5 FTE. Therefore, starting in FY 2032, MHP/CJIS FTE will be reduced from 28 FTE to 7 FTE. For fiscal note purposes, FY 2032 costs will be shown as a whole year including leased space costs.

The **MHP** states without space available for the additional personnel needed to fulfill the requirements of this legislation, the Patrol would need leased space for the additional employees. A cost range is based on existing leased space in Cole County. The Patrol used the FY27 Budget Instructions for Expense and Equipment Guidelines for New Staff and its costs for computer equipment to calculate the cost of the 164 FTE required of this proposal.

Oversight notes per OA- Budget and Planning's Budget Instructions for FY27, agencies are to use 250 sq. ft./ FTE. The regional rental rate for Jefferson City is \$18/ sq. ft., janitorial rates are \$2.47/sq. ft. and utility rates are \$2.80/ sq. ft.; therefore, the total cost per sq.ft. is \$23.27/FTE.

The Patrol estimates it will need rental space for 161 additional employees. This excludes up to 3 FTE maintenance & grounds technician FTE. Therefore, approximately 40,250 square feet would be needed (161 employees x 250 square feet); projected annual leasing costs in Cole County total \$936,618.

MHP officials state the Patrol does not have the technical capabilities with the current criminal history system nor does it have the interfaces with OSCA needed for this requirement. Therefore, the CJIS Division estimates the technical interface will cost \$1,500,000 to \$2,250,000 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, 2029, requirement.

Oversight notes beginning August 28, 2029, 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, 2026, are to be identified and expunged by August 28, 2031.

Oversight will present \$1,500,000 to \$2,250,000 in costs for the MHP's Criminal History System's upgrade to expunge records in FY27. Assuming funds would not be appropriated for this upgrade in the FY27 budget, MHP believes it would be required to submit a supplemental appropriation request. By placing the costs in FY27, a new decision item could be submitted in the FY27 budget request to cover this cost.

In response to similar legislation, HB 2047 (2026), officials from the **Office of State Courts Administrator (OSCA)** stated 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 equipment cost; \$247,107 on-going expenses) 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 FY27.

Oversight further assumes OSCA would not hire 287 court clerk FTE in FY27. For fiscal note purposes, Oversight will present OSCA as hiring up to 144 FTE for FY27 and the additional 143 FTE in FY28. FTE and costs for FY29 will be presented as "Could exceed..." as OSCA states the court clerk FTE are considered a minimum.

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 **(Could exceed \$33,936,283) for FY27; (Could exceed \$47,200,865) for FY28; (Could exceed \$47,692,961) for FY29; and (Likely to exceed \$46,255,962) for FY32** 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 of certain criminal offenses beginning August 28, 2029.

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.

If there should be a significant number of additional requests for expungement or a significant expansion of the number of offenses that could be expunged, it could result in additional costs to the department. The DOC anticipates the unknown impact will exceed \$250,000 annually.

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 General Revenue beginning FY30 since §610.141 provides that records will be closed beginning August 28, 2029.

Officials from the **Missouri Department of Transportation (MODOT)** state this bill does not exclude offenses while operating a commercial motor vehicle. This could result in a variance with Federal Motor Carrier Safety Regulations (FMCSRs). 49 CFR 391.15 addresses disqualification of drivers (CDL and non-CDL DMV drivers). A driver who is convicted of a disqualifying offense is disqualified for one year from the date of conviction for first offenders and 3 years after the date of conviction if during the previous 3 years preceding the conviction date the driver was convicted of a disqualifying offense possessing or using a Schedule 1 substance while on duty. A CMV driver convicted of possession of marijuana while on duty is a disqualified driver. If prior non-violent possessions of marijuana convictions are wholly expunged from the criminal records, CMV drivers who would be disqualified under the FMCSRs would be allowed to drive.

In addition, 49 CFR 392.4 prohibits possession or use of any Schedule 1 substance. With marijuana being a Schedule 1 substance at the federal level, commercial motor vehicle drivers are prohibited from possessing and using marijuana in a CMV while on duty.

If a variance with federal law is found, Federal Motor Carrier Safety Administration (FMCSA) Program funding (MCSAP) could be withheld. Missouri's FY26 MCSAP award is anticipated to be around \$11,117,529.

The penalty imposed upon states found to be in non-compliance can be as harsh as withholding all MCSAP funding, or potential withholding amounts are as follows:

| | |
|--|-------------|
| YEAR 0 (during the FY that FMCSA notifies Missouri of its noncompliance): up to 5% | \$555,876 |
| YEAR 1 (next full fiscal year): up to 10% | \$1,111,753 |
| YEAR 2 (2nd full fiscal year): up to 25% | \$2,779,382 |
| YEAR 3+ (ongoing until variance resolved): not more than 50%. | \$5,558,765 |

Oversight does not have information to the contrary and, therefore, Oversight will reflect the potential loss of federal funding as provided by MoDOT. Oversight will reflect the fiscal impact as \$0 (Missouri is not found to be out of compliance) up to the amounts listed above (Missouri is found to be out of compliance of federal rules).

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; §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.

It is anticipated by the DOR that they 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 department. DOR officials also 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. If the increase is more than anticipated, and is unable to be absorbed by existing staff, additional FTE may be requested 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)** assume the proposal will have no fiscal impact on their organization. OA states from the plain language of this bill (§610.143), it appears that a state agency obtaining a credit report could be a “user of information”. However, the violation identified in §610.143 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 LEF could result.

Officials from the **City of Kansas City** state the proposed legislation has a negative fiscal impact of an indeterminate amount.

In response to similar legislation, SB 854 (2026), officials from the **St. Louis County Police Department** stated this legislation would require the expungement of various offenses by 2029.

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.

Oversight notes the cost of additional personnel and other costs required by the City of Kansas City and St. Louis County Police Department 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) beginning in FY29.

Officials from the **Attorney General's Office, Department of Commerce and Insurance, Department of Labor and Industrial Relations, Department of Public Safety – Director's Office, Department of Social Services, Office of the Governor, Office of the State Treasurer, Phelps County Sheriff, Kansas City Police Department and Missouri Lottery Commission** 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.

In response to similar legislation, SB 19 (2025), officials from the **Missouri Office of Prosecution Services** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, various county officials, and local law enforcement agencies were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

| <u>FISCAL IMPACT – State Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--|--|--|--|--|
| GENERAL REVENUE | | | | |
| <u>Cost – DOC (§610.141) Expungement of records p. 7</u> | \$0 | \$0 | \$0 | \$0 to (Unknown) |
| <u>Transfer Out – To the Missouri Expungement Fund p.6</u> | (Could exceed \$33,936,283) | (Could exceed \$47,200,865) | (Could exceed \$47,692,961) | (Likely to exceed \$48,955,221) |
| ESTIMATED NET EFFECT ON GENERAL REVENUE | (Could exceed \$33,936,283) | (Could exceed \$47,200,865) | (Could exceed \$47,692,961) | (Likely to exceed \$48,955,221) |
| MISSOURI EXPUNGEMENT FUND | | | | |
| <u>Revenue Gain – (§610.144) Gifts, grants, donations p.6</u> | \$0 | \$0 | \$0 or Unknown | \$0 or Unknown |
| <u>Transfer In – (§§610.141 -610.144) From General Revenue p.6</u> | Could exceed \$33,936,283 | Could exceed \$47,200,865 | Could exceed \$47,692,961 | Likely to exceed \$48,955,221 |
| <u>Cost – OSCA (§§610.141 - 610.144) To expunge records p.6</u> | Up to | Up to | Could exceed | Likely to exceed |
| Personal service | (\$6,066,977) | (\$13,885,536) | (\$14,163,246) | (\$14,163,246) |
| Fringe benefits | (\$4,561,958) | (\$10,468,085) | (\$10,580,850) | (\$10,580,850) |
| Equip. and expense | (\$650,459) | (\$684,873) | (\$389,785) | (\$389,785) |
| Total Costs - OSCA | (\$11,279,394) | (\$25,038,494) | (\$25,133,881) | (\$25,133,881) |
| FTE Change - OSCA | Up to 157 FTE | Up to 300 FTE | Could exceed 300 FTE | Could exceed 300 FTE |
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| <u>FISCAL IMPACT – State Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--|------------------------------|--------------------------|--------------------------|--------------------------------|
| <u>Cost - OSCA (§§610.141 - 610.144) Show-Me Courts & Other System updates and maintenance p.6</u> | (\$3,000,000 to \$5,000,000) | (\$1,000,000) | (\$1,000,000) | (\$1,000,000) |
| <u>Cost – DPS-MHP (§610.141 to 610.144) To expunge records p.3-5</u> | Could exceed | Could exceed | Could exceed | Likely to exceed |
| Personal service | (\$8,615,780) | (\$10,545,715) | (\$10,756,629) | (\$11,415,021) |
| Fringe benefits | (\$7,589,641) | (\$9,289,720) | (\$9,475,515) | (\$10,055,492) |
| Equip. and expense | (\$1,170,953) | (\$390,318) | (\$390,318) | (\$414,209) |
| <u>Total Costs – DPS-MHP</u> | <u>(\$17,376,374)</u> | <u>(\$20,225,753)</u> | <u>(\$20,622,462)</u> | <u>(\$21,884,722)</u> |
| FTE Change - MHP | Could exceed 164 FTE | Could exceed 164 FTE | Could exceed 164 FTE | Could exceed 143 FTE |
| <u>Cost – DPS-MHP (§§610.141 to 610.144) Leased space 161 FTE p.5</u> | (Could exceed \$780,515) | (Could exceed \$936,618) | (Could exceed \$936,618) | (Could exceed \$936,618) |
| <u>Cost – DPS-MHP (§§610.141 to 610.144) Criminal History System upgrade p.5-6</u> | (\$1,500,000 to \$2,250,000) | \$0 | \$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 | Could exceed 321 FTE | Could exceed 464 FTE | Could exceed 464 FTE | Could exceed 443 FTE |
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| <u>FISCAL IMPACT – State Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 | Fully Implemented (FY 2032) |
|--|---------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| FEDERAL FUNDS | | | | |
| <u>Revenue Loss – MODOT</u> (§§610.141) Non-compliance with Federal rules p.7-8 | \$0 or (Up to \$555,876) | \$0 or (Up to \$1,111,753) | \$0 or (Up to \$2,779,382) | \$0 or (Up to \$5,558,765) |
| ESTIMATED NET EFFECT ON FEDERAL FUNDS | \$0 or (Up to \$555,876) | \$0 or (Up to \$1,111,753) | \$0 or (Up to \$2,779,382) | \$0 or (Up to \$5,558,765) |

| <u>FISCAL IMPACT – Local Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 | Fully Implemented (FY 2030) |
|---|---------------------|------------|------------------|--------------------------------|
| LOCAL POLITICAL SUBDIVISIONS | | | | |
| <u>Cost – Local Political Subdivisions</u> (§610.144.2) To expunge records p.9 | \$0 | \$0 | (Unknown) | (Unknown) |
| ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS | \$0 | \$0 | (Unknown) | (Unknown) |

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act established procedures for the automatic expungement of certain criminal offenses. The act provides that all records pertaining to a person's clean slate eligible criminal offenses, as defined in the act, shall be expunged without the filing of a petition required under current law. The following cases shall be eligible for expungement under this act:

1. An individual received a suspended sentence, has completed probation, and one year has passed since the final disposition of the case and the individual has not committed a felony or misdemeanor in Missouri in that time;
2. For misdemeanors, one year has passed since the final disposition of a misdemeanor, and the individual has not committed a felony or misdemeanor in Missouri in that time;
3. For felonies, three years have passed since the final disposition of a felony offense and the individual has not committed a felony or misdemeanor in Missouri in that time;
4. An individual that has attained the age of sixty-five years and has not been convicted of a felony or misdemeanor in Missouri in the ten immediately preceding years; and
5. All offenses where the Governor of Missouri has granted a full pardon.

Records of juvenile adjudications or offenses involving the operation of a motor vehicle are not eligible for automatic expungement under this act. A person shall not be granted an automatic expungement if the person has charges pending in a Missouri state court and the person has yet to be sentenced.

A person can receive an automatic expungement under this act for no more than two felony offenses or no more than three misdemeanor offenses.

This act provides that the court shall maintain records to ensure that a person has not exceeded the number of offenses for eligibility. Under this act, expunged records can still be used for the purpose of any law enforcement or prosecutorial investigation or activity. Such records can also be included as a prior offense in a subsequent criminal or civil investigation or prosecution.

Beginning on August 28, 2029, the Office of State Courts Administrator shall, on a quarterly basis, identify records that have become eligible for expungement. This act provides that the Office of State Courts Administrator shall transmit all eligible offense records to the Missouri State Highway Patrol Central Repository and every prosecuting agency within one hundred days of its eligibility. All records identified for expungement by August 28, 2029, shall be expunged by August 28, 2031.

Under this act, the Office of State Courts Administrator shall not consider delinquent court costs, fines, fees, or other moneys ordered by a court except restitution owed to a victim of a crime, when determining eligibility of a record for automatic expungement. However, the Office shall seek a setoff of any income tax refund and lottery prize payouts for any delinquent moneys owed.

This act provides that when the Central Repository or a prosecuting agency receives notice of automatic expungement, they shall have no more than sixty days to object. If there is an objection based on reasons described in the act, the record shall not be expunged. If there is no objection, the records will be sent to the presiding judges of the circuit courts of Missouri. Under this act, when the presiding judge of a circuit court receives notice to expunge, the judge shall order expungement of all records maintained in the circuit within thirty days.

This act provides that once a record has been expunged, the Office of State Courts Administrator shall provide notice to all state agencies that maintain official copies of the records. The files and records maintained by such agencies shall then be confidential and only made available to certain law enforcement entities, courts, or the Governor, upon request, and only for certain official purposes outlined in the act.

The provisions of this act shall be applied retroactively to any arrest, charge, trial, or conviction for which there is an electronic record.

Nothing in this act shall preclude a person from filing a petition for expungement of records under current law if the person is eligible for automatic expungement under this act, but such automatic expungement has not occurred or cannot occur.

This act provides that automatic expungement does not relieve any obligation to pay restitution owed to a victim of an offense or prohibit a civil action by a victim.

A conviction that has been expunged under this act shall not be used as evidence in an action for negligent hiring, admission, or licensure against any person.

This act provides that a credit bureau shall report records of arrests, indictments pending trial, and convictions of crimes for no longer than seven years from the final disposition. Records of arrest, indictments pending trial, and convictions of crimes shall not be reported if at any time after a conviction it is learned that a full pardon or expungement has been granted, or an arrest or indictment did not result in a conviction.

Under this act, a credit bureau that willfully fails to comply with a requirement of this act shall be liable to the consumer for actual damages, punitive damages, court costs, and attorneys' fees. A credit bureau that negligently fails to comply with a requirement of this act shall be liable to the consumer for actual damages, court costs, and attorneys' fees.

An employer, volunteer organization, or landlord who employs or otherwise engages a person whose criminal history record has been expunged shall be immune from liability for any claim of misconduct of the person if the misconduct relates to the expunged record.

This act provides that a person granted an expungement shall disclose any expunged offense if the disclosure is necessary to complete an application for employment with a federally insured bank, savings institution, credit union, or entity engaged in the business of insurance.

This act creates the "Missouri Expungement Fund". Moneys in the Fund shall be used by the Office of State Courts Administrator, the Department of Public Safety, and the Information Technology Services Division of the Office of Administration on the statewide court automation case management system and the Missouri criminal history record information system. Moneys shall be used to develop and implement any technology-assisted, state-initiated bulk expungement or sealing of records under Missouri law. The Office of State Courts Administrator, the Department of Public Safety and the Information Technology Services

Division within the Office of Administration shall each receive one-third of any total amount appropriated from the fund for a fiscal year.

The provisions of this act shall only become effective upon the Office of State Courts Administrator's implementation of automatic expungement technology.

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



Julie Morff
Director
February 17, 2026



Jessica Harris
Assistant Director
February 17, 2026