

# HOUSE BILL NO. 673

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

1427H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 314, RSMo, by adding thereto four new sections relating to discriminatory practices against persons convicted of certain offenses.

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

Section A. Chapter 314, RSMo, is amended by adding thereto four new sections, to be known as sections 314.205, 314.208, 314.211, and 314.214, to read as follows:

**314.205. As used in sections 314.205 to 314.214, the following terms shall mean:**

**(1) "Certificate", a certificate of exemplary conduct and good moral character;**

**(2) "Circuit court", any circuit court in the state of Missouri;**

**(3) "Eligible individual", a person who has been convicted of an offense in this state or in any other jurisdiction that does not include an offense or attempted offense that would subject a person to the sex offender registry under sections 589.400 to 589.426;**

**(4) "Petition", any form or document that is submitted to the circuit court that documents an eligible individual's desire to obtain a certificate and the eligible individual's justification for why the circuit court should grant his or her request.**

**314.208. 1. The circuit court shall have the power to issue a certificate to an eligible individual that has the force and effect of a final judgment. The circuit court shall issue a certificate to an eligible individual if the presiding judge finds, at the moment of sentencing or at any moment thereafter, that clear and convincing evidence demonstrates that the eligible individual has:**

**(1) Consistently conducted himself or herself in a manner warranting the issuance of a certificate;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8           (2) Consistently demonstrated that he or she is of good moral character; and  
9           (3) Generally acted in such a way that granting the certificate is consistent with the  
10 public interest.

11           2. The circuit court shall have the power to investigate an eligible individual  
12 petitioning for a certificate.

13           3. The circuit court shall grant or deny the petition within a reasonable period of  
14 time after the petition is filed.

15           4. If the circuit court has issued a certificate, the circuit court may at any time issue  
16 a new certificate enlarging the relief previously granted.

17           5. After notice to a certificate holder, the circuit court has the power to revoke a  
18 certificate upon a subsequent conviction.

314.211. 1. A certificate shall not prevent any judicial or administrative  
2 proceeding, any licensing authority, or any other body, board, employer, or authority from  
3 accessing or considering the eligible individual's conviction history.

4           2. A certificate removes any or all bars an eligible individual faces with respect to  
5 employment, housing, or occupational licenses.

6           3. An employer is not civilly or criminally liable for an act or omission by an  
7 employee who has been issued a certificate, except for a willful or wanton act by the  
8 employer in hiring the employee who has been issued a certificate.

314.214. 1. The chief justice of the Missouri supreme court, or his or her designee,  
2 may create forms to assist eligible individuals in providing all the information required for  
3 a presiding judge to fully consider the eligible individual's case.

4           2. The Missouri division of professional registration, and any other Missouri entity  
5 that has the authority to issue or revoke a license, shall report to the Missouri general  
6 assembly on November thirtieth of each year the following:

- 7           (1) The number of licensure applicants with felony convictions;  
8           (2) The number of applicants with certificates;  
9           (3) The number of licenses awarded to applicants with felony convictions;  
10          (4) The number of licenses awarded to applicants with certificates;  
11          (5) The number of applicants with felony convictions denied licenses; and  
12          (6) The number of applicants with certificates denied licenses.

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