

SECOND REGULAR SESSION

# HOUSE BILL NO. 2218

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES NAEGER AND CROWELL (Co-sponsors).

Read 1<sup>st</sup> time March 15, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4688L.011

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### AN ACT

To repeal section 577.054, RSMo, and to enact in lieu thereof one new section relating to expungement.

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

Section A. Section 577.054, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.054, to read as follows:

577.054. 1. After a period of not less than ten years, an individual who has pleaded guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor or a county or city ordinance violation and which is not a conviction for driving a commercial motor vehicle while under the influence of alcohol and who since such date has not been convicted of any other alcohol-related driving offense may apply to the court in which he pled guilty or was sentenced for an order to expunge from all official records all recordations of his arrest, plea, trial or conviction. If the court determines, after hearing, that such person has not been convicted of any alcohol-related driving offense in the ten years prior to the date of the application for expungement, and has no other alcohol-related enforcement contacts as defined in section 302.525, RSMo, during that ten-year period, the court shall enter an order of expungement. The effect of such order shall be to restore such person to the status he occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement pursuant to this section. Nothing contained in this section shall prevent the director from

19 maintaining such records as to ensure that an individual receives only one expungement pursuant  
20 to this section for the purpose of informing the proper authorities of the contents of any record  
21 maintained pursuant to this section.

22       **2. The director of revenue shall expunge all official records and recordations**  
23 **maintained by the department of revenue of any suspensions, revocations, or other**  
24 **administrative disciplinary actions taken by the director of revenue as the result of or**  
25 **arising out of or related to the arrest, plea, trial, or conviction of any person for any offense**  
26 **for which the court has ordered expungement pursuant to subsection 1 of this section.**  
27 **Nothing contained in this subsection shall prevent the director of revenue from**  
28 **maintaining such records as are necessary to ensure that an individual receives only one**  
29 **expungement pursuant to subsection 1 of this section, provided that these records or the**  
30 **information contained therein shall only be released to the court where such person plead**  
31 **guilty to or nolo contendere to or was found guilty of the offense which was ordered**  
32 **expunged.**