

HCS#2 HB 1344 -- CLOSURE OF CERTAIN CRIMINAL RECORDS

SPONSOR: Nasheed

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Issues by a vote of 5 to 1.

This substitute authorizes a person to apply to any court in which he or she pled guilty or was found guilty for the closure of the criminal records for certain offenses. A conviction for any violation of prostitution under Section 567.020, RSMo; any misdemeanor or felony violation of Chapter 195 not involving a weapon, except a felony committed by a commercial driver's license holder; and certain municipal ordinance violations or misdemeanors may be closed. The closure of records will not be allowed for driving while intoxicated or with excessive blood-alcohol content, any misdemeanor sexual offense, any violation of an order of protection issued under Chapter 455, any misdemeanor violation of Sections 568.050 or 568.052 concerning child endangerment, any misdemeanor offense requiring registration as a sexual offender, or any municipal traffic ordinance violation or traffic misdemeanor offense committed by a holder of a commercial driver's license.

The closure of a record is allowed only when at least five years have elapsed since the person requesting closure has completed his or her imprisonment, period of probation, or period of parole; the person has not been convicted of or been placed on probation for a misdemeanor or felony during the same period; and the person has not had any other petition for closure granted.

Any individual wanting to close a criminal record may file a verified petition in the civil division of the circuit court where at least one of the violations occurred naming as defendants all agencies and entities whom the petitioner has reason to believe may possess the record. The court must schedule a hearing on the petition no sooner than 30 days from the filing of the petition and must give reasonable notice of the hearing to each official agency or other entity named in the petition. If a court grants the order, the records and files maintained in any administrative or court proceeding in an associate circuit or circuit court for any offense ordered closed will be confidential and only available to the parties, by order of the court for good cause shown, to law enforcement agencies for criminal investigation or to prosecutors. An individual is only allowed to have one petition for closure granted under these provisions.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund Could exceed \$718,416 in FY 2013, Could exceed \$851,559 in FY 2014, and

Could exceed \$860,754 in FY 2015. Estimated Net Cost on Other State Funds of \$230,273 in FY 2013, \$279,150 in FY 2014, and \$282,001 in FY 2015.

PROPOSERS: Supporters say that criminal records prevent people from getting jobs even after years of good behavior. The bill allows certain nonviolent offenses to be taken off the records under narrowly drawn circumstances.

Testifying for the bill was Representative Nasheed.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that federal requirements prevent commercial driver's license holders from having their records expunged.

Testifying on the bill was Department of Transportation.