

CCS SS SCS HCS HBs 1665 & 1335 -- ADMINISTRATION OF JUSTICE

This bill changes the laws regarding the administration of justice.

DEPUTY SHERIFFS (Sections 57.015 - 57.250, RSMo)

The bill specifies that a limited definition of "deputy sheriff" only applies to a provision regarding the dismissal proceedings for a deputy sheriff. Specified provisions regarding the ability of a sheriff to discharge a deputy sheriff are amended to refer to the limited definition of deputy sheriff.

CRIMINAL RECORD INFORMATION (Section 407.1150)

The bill specifies that it must be unlawful for any person engaged in publishing or disseminating criminal record information through a print or electronic medium to solicit or accept a fee or other consideration from the subject individual to remove or correct criminal record information. A person who knowingly and willfully violates these provisions will be guilty of a class A misdemeanor.

Any individual who suffers a loss or harm as a result of a violation of these provisions may be awarded an amount equal to \$10,000 or actual and punitive damages, whichever is greater, and reasonable attorney fees, court costs, and any other remedies provided by law. Humiliation or embarrassment must be adequate to show that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown.

COURT RECORDS (Section 483.140)

The provisions requiring every judge to examine and superintend court records must not be construed to permit the adoption of any local court rule that grants a judge the discretion to remove or direct the removal of any pleading, file, or communication from a court file or record without notification to the parties and providing them an opportunity to respond.

POWER TO ARREST (Section 544.216)

Currently, a law enforcement officer may arrest on view, and without a warrant, any person the officer sees violating or who the officer has reasonable grounds to believe has violated any law of this state or any ordinance over which the officer has jurisdiction. The bill clarifies that a law enforcement officer may only arrest a person without a warrant for a violation of any ordinance or law over which the officer has jurisdiction.

EXPUNGEMENT OF ARREST RECORDS (Sections 610.120 and 610.122)

The bill allows an individual's record of arrest to be expunged under Section 43.503 if the court determines the individual was arrested for, or was subsequently charged with, a misdemeanor offense under Chapter 303 or any moving violation under Section 302.010 except for any intoxication-related traffic offense and:

- (1) Each offense or violation related to the arrest was subsequently nolle prossed or dismissed or the accused was found not guilty of each offense or violation; and
- (2) The person does not have a commercial driver's license and was not operating a commercial motor vehicle at the time of the arrest.

A record of arrest must only be eligible for expungement if the subject of the arrest has no prior or subsequent misdemeanor or felony convictions and no civil action is pending relating to the arrest or the records sought to be expunged.

ENTRY OF APPEARANCE (Section 1)

The bill requires all courts that process documents via mandatory e-filing to accept, file, and docket a notice of entry of appearance filed by an attorney in a criminal case if the filing document is no longer than one page and was sent by fax or regular mail. These provisions will expire on December 31, 2016.