

HCS HB 341 -- MARIJUANA-RELATED EXPUNGEMENT

SPONSOR: Hicks

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 7 to 2. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 6 to 1.

The bill specifies that the Department of Health and Senior Services must notify a person who obtains a patient ID card under Article 16, Section 1 of the Missouri Constitution that he or she may be eligible to have any marijuana-related misdemeanor offenses or municipal violations expunged if such offense or violation occurred in Missouri prior to the issuance of the patient ID card and was prosecuted under the jurisdiction of a Missouri Associate Circuit or Circuit Court or a municipal court, so long as all marijuana-related misdemeanor offenses or municipal violations to be expunged are listed on the petition for expungement completed by the department. The court shall enter an order of expungement of records related to the marijuana-related misdemeanor offenses or municipal violations if, after the hearing, the court determines that the above requirements are satisfied.

Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or circuit division of the circuit court or in municipal court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such individual to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place.

Additionally, individuals are currently entitled to have two misdemeanors expunged, but this bill specifies that marijuana-related misdemeanor offenses or ordinance violations will have no limit.

PROPOSERS: Supporters say that this allows qualified patients who have received a marijuana card and have previous marijuana offenses to have the records for those offenses expunged. Missouri voters made their voices heard and, as a state, we need to move forward. This would also provide a cost savings to the state. We are nearing full employment and need to expand the work force, and this bill makes sense. If there are non-violent offenders who may have been using marijuana to alleviate symptoms of an illness, now they can legally treat their illness. The Nixon administration created a false report that demonized the use of marijuana and the report was not based on science and this is why people have negative views

on the drug. People need to be educated properly.

Testifying for the bill were Representative Hicks; Michael Trapp; Veterans Of Foreign Wars-Missouri Association of Veterans Organizations; Larry Kirk, Law Enforcement Action Partnership; Jeffrey Mizanskey; Daniel Dodson, Missouri Association of Criminal Defense Lawyers; and Empower Missouri.

OPPONENTS: There was no opposition voiced to the committee.