

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 53 & 60, Page 102, Section 610.120, Line 30, by inserting after said section and
3 line the following:
4

5 "610.122. 1. Notwithstanding other provisions of law to the contrary, any record of arrest
6 recorded pursuant to section 43.503 may be expunged if:

7 (1) The court determines that the arrest was based on false information and the following
8 conditions exist:

9 (a) There is no probable cause, at the time of the action to expunge, to believe the individual
10 committed the offense;

11 (b) No charges will be pursued as a result of the arrest; and

12 (c) The subject of the arrest did not receive a suspended imposition of sentence for the
13 offense for which the arrest was made or for any offense related to the arrest; or

14 (2) The court determines the person was arrested for, or was subsequently charged with, a
15 misdemeanor offense of chapter 303 or any moving violation as the term moving violation is
16 defined under section 302.010, except for any intoxication-related traffic offense as intoxication-
17 related traffic offense is defined under section 577.023 and:

18 (a) Each such offense or violation related to the arrest was subsequently nolle prossed or
19 dismissed, or the accused was found not guilty of each offense or violation; and

20 (b) The person is not a commercial driver's license holder and was not operating a
21 commercial motor vehicle at the time of the arrest.

22 2. A record of arrest shall only be eligible for expungement under this section if[
23

24 ~~—(1) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions;~~
25 ~~and~~

26 ~~—(2)] no civil action is pending relating to the arrest or the records sought to be expunged.";~~
27 and

28 Further amend said bill, Page 104, Section 610.140, Lines 79-84, by deleting said lines and inserting
29 in lieu thereof the following:
30

31 "(1) At the time the petition is filed, it has been at least [~~seven~~] three years if the offense is a
32 felony, or at least [~~three years~~] one year if the offense is a misdemeanor, municipal offense, or
33 infraction, from the date the petitioner completed any authorized disposition imposed under section
34 557.011 for each offense, violation, or infraction listed in the petition;

35 (2) At the time the petition is filed, the person has not been found guilty of any other
36 misdemeanor or felony, not including violations of the traffic regulations provided under chapters

Action Taken _____ Date _____

- 1 301, 302, 303, 304, and 307, during the"; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.