

FIRST REGULAR SESSION

HOUSE BILL NO. 352

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

0592H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 610, RSMo, by adding thereto five new sections relating to expungement.

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

Section A. Chapter 610, RSMo, is amended by adding thereto five new sections, to be
2 known as sections 610.141, 610.142, 610.143, 610.144, and 610.146, to read as follows:

**610.141. 1. As used in this section, section 610.140, sections 610.142 to 610.144,
2 and section 610.146, unless the context otherwise indicates, the following terms mean:**

3 **(1) "Central repository", the Missouri state highway patrol central repository
4 for compiling and disseminating complete and accurate criminal history records;**

5 **(2) "Charges pending", charges for which an individual has not yet been
6 sentenced;**

7 **(3) "Close" or "closed", to make records inaccessible to the general public and
8 to all individuals other than the defendant, except as provided under section 610.120
9 and chapter 43;**

10 **(4) "Expunge" or "expunged", to close a record in the manner established under
11 section 610.120;**

12 **(5) "Expungement without petition", technology-assisted, state initiated bulk
13 closing of records in the manner established under section 610.120;**

14 **(6) "Traffic violation", a violation of the traffic regulations provided under
15 chapters 301, 302, 303, 304, and 307.**

16 **2. (1) Beginning August 28, 2025, all records and files maintained in any
17 administrative or court proceeding in a municipal, associate, or circuit court shall be
18 closed in the manner established under section 610.120 without the filing of a petition**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 under section 610.140 in the following cases, subject to the limitations contained in
20 subdivision (3) of subsection 2 of this section:

21 (a) All offenses not excluded from eligibility for expungement under subsection 2
22 of section 610.140 for which imposition of sentence has been suspended if an individual
23 has successfully completed probation, so long as one year has passed since completion of
24 probation, and the individual has not committed any felony or misdemeanor offense
25 other than a traffic violation during that time;

26 (b) All infractions not excluded from eligibility for expungement under
27 subsection 2 of section 610.140 if eighteen months have passed from the date the
28 sentence was completed and the individual has not committed any felony or
29 misdemeanor offense other than a traffic violation during that time;

30 (c) Misdemeanor offenses not excluded from eligibility for expungement under
31 subsection 2 section 610.140 if three years have passed since the date the sentence was
32 completed and the individual has not committed any felony or misdemeanor offense
33 other than a traffic violation during that time;

34 (d) Felony offenses not excluded from eligibility for expungement under
35 subsection 2 of section 610.140 if five years have passed since the date the sentence was
36 completed and the individual has not committed any felony or misdemeanor offense
37 other than a traffic violation during that time;

38 (e) All of an individual's offenses not excluded from eligibility for expungement
39 under subsection 2 of section 610.140 if the individual has attained sixty-five years of age
40 and has not been convicted of any misdemeanors or felonies other than a traffic
41 violation in the immediate ten preceding years; or

42 (f) All offenses for which the governor of Missouri has granted a full pardon.

43 (2) This section does not include expungement without petition of any records
44 pertaining to juvenile adjudications or offenses involving the operation of a motor
45 vehicle.

46 (3) (a) An individual may be granted more than one expungement under this
47 section, provided that during his or her lifetime the total number of offenses, violations,
48 or infractions for which expungement can be granted to the individual under this
49 section or section 610.140 shall not exceed the following limits:

50 a. No more than three felony offenses; and

51 b. No more than five misdemeanor offenses or ordinance violations that have an
52 authorized term of imprisonment.

53 (b) An individual may be granted expungement under this section for any
54 number of infractions.

55 (c) If an individual's record contains more felonies or misdemeanors than can be
56 expunged during the individual's lifetime under paragraph (a) of subdivision (3) of
57 subsection 2 of this section, the individual shall not be eligible for expungement without
58 petition under this section.

59 (d) For purposes of determining lifetime limits on expungement under this
60 section and section 610.140:

61 a. If the offenses or violations were charged as counts in the same case, all such
62 offenses and violations shall count as only the highest level offense or violation in that
63 case for purposes of determining lifetime limits on expungement under this section and
64 section 610.140; and

65 b. If the offenses or violations were committed by an individual who has reached
66 sixty-five years of age and has not been convicted of any misdemeanors or felonies other
67 than traffic violations in the immediate ten preceding years, all such offenses and
68 violations not excluded from eligibility for expungement by subsection 2 of section
69 610.140 shall be expunged.

70 3. (1) Beginning August 28, 2025, on a monthly basis, the office of state courts
71 administrator shall identify and transmit to the central repository all records of charges
72 and convictions eligible for expungement under subsection 2 of this section, except
73 records relating to ordinance violations or nonreportable offenses, as described under
74 subsection 1 of section 43.506, within thirty days of the record becoming eligible for
75 expungement without petition.

76 (2) Records that are eligible for expungement on or before August 28, 2023, shall
77 be identified and expunged by August 28, 2026.

78 (3) Delinquent court costs, fines, fees, or other sums ordered by a court except
79 restitution owed to a victim of a crime shall not be expunged and shall not be considered
80 by the office of state courts administrator when determining expungement of a record
81 without a petition under subsection 2 of this section. The office of state courts
82 administrator shall seek a setoff of any income tax refund and lottery prize payouts
83 under section 488.5028 for all delinquent court costs, fines, fees, or other sums ordered
84 by a court relating to convictions expunged under subsection 2 of this section.

85 (4) If thirty days have passed without an objection from the central repository
86 for one of the reasons set forth under this subsection, the office of state courts
87 administrator shall transmit within fifteen days all the records to be expunged, sorted
88 by circuit, to the presiding judges of every circuit court.

89 (5) (a) Within thirty days of receiving a notice to expunge, the circuit court shall
90 issue orders for expungement of all records maintained in the circuit for which no
91 notification of ineligibility was received by the office of state courts administrator from

92 the central repository unless the circuit court determines the record is not eligible for
93 expungement without petition.

94 (b) If the circuit court determines a record is not eligible for expungement
95 without petition, the court shall notify the office of state courts administrator in writing
96 of its determination within thirty days and shall specify the reasons the court relied
97 upon in making the determination.

98 (6) On a monthly basis, each circuit court shall issue orders for expungement of
99 all records of arrest, charge and conviction for ordinance violations, and
100 nonfingerprintable offenses in the circuit that the court determines are eligible for
101 expungement without petition.

102 (7) On a monthly basis, each circuit court shall transmit copies of all orders for
103 expungement the court issues under this section to the office of state courts
104 administrator.

105 (8) Once the transmitted records are expunged, the office of state courts
106 administrator shall provide notice to all state agencies maintaining official copies of the
107 records including, but not limited to, the appropriate circuit court clerk, the prosecuting
108 attorney, the arresting law enforcement agency or agencies, the department of
109 corrections, the central repository, and the department of revenue to expunge the
110 records within thirty days.

111 (9) The office of state courts administrator shall create a digital access portal of
112 all orders of expungement issued under this section. The portal shall allow users to
113 determine if an order for expungement without petition has been granted in an
114 individual's name. The portal shall employ measures to prevent disclosure of any order
115 to anyone other than the individual for whom the order was issued.

116 4. Any court sentencing an individual for an offense not excluded from eligibility
117 for expungement under subsection 2 of section 610.140 or any other state or federal law
118 shall notify the individual at the time of sentencing of the date when the individual's
119 conviction may become eligible for expungement provided the individual is not
120 convicted of any misdemeanor or felony, not including a violation of a traffic regulation,
121 during the time period specified for the underlying offense or offenses.

122 5. Any probation or parole office releasing an individual from supervision for an
123 offense or offenses not excluded from eligibility under subsection 2 of section 610.140
124 shall notify the individual at the time supervision is discharged of the date when the
125 individual's record or records may become eligible for expungement provided the
126 individual is not convicted of any misdemeanor or felony, not including a violation of a
127 traffic regulation, during the time period specified for the underlying offense or
128 offenses.

129 **6. The provisions of this section shall apply retroactively to any arrest, charge,**
130 **trial, and conviction regardless of the date that the arrest was made, the charge or**
131 **charges were brought, the trial occurred, or the conviction was entered.**

132 **7. Nothing in this section precludes an individual from filing a petition for**
133 **expungement of records under section 610.140 if an individual is eligible for an**
134 **expungement without petition under this section but if such an expungement without**
135 **petition has not yet occurred or cannot occur.**

610.142. A conviction closed under section 610.141 shall be reinstated by the
2 **court upon motion if the court finds the conviction was improperly or erroneously**
3 **expunged under subsection 2 of section 610.141 because the conviction was not eligible**
4 **to be expunged under subsection 2 of section 610.140 or subsection 2 of section 610.141.**

610.143. Beginning August 28, 2026, the office of state courts administrator shall
2 **report to the judiciary committees of the senate and house of representatives, or any**
3 **successor committees, the following on a yearly basis:**

4 **(1) The number of records expunged under subsection 2 of section 610.141, by**
5 **judicial circuit, with data aggregated by race, sex, age, circuit, county, and offense type**
6 **and level;**

7 **(2) The number of records transmitted from the Missouri state highway patrol**
8 **back to the office of state courts administrator on objection that the record is not eligible**
9 **for expungement without petition or that the record does match data held in the central**
10 **repository, by judicial circuit, with data aggregated by race, sex, age, county, and**
11 **offense type and level; and**

12 **(3) The number of records transmitted by each circuit court back to the office of**
13 **state courts administrator that the circuit court determined not eligible for**
14 **expungement without petition, with data aggregated by race, sex, age, circuit, county,**
15 **and offense type and level.**

610.144. 1. A credit bureau may report records of arrests, indictments pending
2 **trial, and convictions of crimes for no longer than seven years from the date of release or**
3 **parole. Records of arrests, indictments pending trial, and convictions of crimes shall no**
4 **longer be reported if at any time after a conviction it is learned that a full pardon or**
5 **expungement has been granted for that conviction, or at any time after an arrest or**
6 **indictment it is learned that a conviction did not result.**

7 **2. Any credit bureau or user of information that willfully fails to comply with**
8 **any requirement of this section with respect to any consumer is liable to that consumer**
9 **in an amount equal to:**

10 **(1) Any actual damages sustained by the consumer as a result of the failure;**

11 **(2) Punitive damages as the court may allow; and**

12 **(3) In the case of any successful action under this section, costs of the action and**
13 **reasonable attorney's fees as determined by the court.**

14 **3. Any credit bureau or user of information that is negligent in failing to comply**
15 **with any requirement of this section with respect to any consumer is liable to that**
16 **consumer in an amount equal to:**

17 **(1) Any actual damages sustained by the consumer as a result of the failure; and**

18 **(2) In the case of any successful action under this section, costs of the action and**
19 **reasonable attorney's fees as determined by the court.**

20 **4. Injunctive relief shall be available to any consumer aggrieved by a violation or**
21 **a threatened violation of this section regardless of whether the consumer seeks any other**
22 **remedy under this section.**

23 **5. An employer who employs or otherwise engages an individual whose criminal**
24 **history record has been expunged shall be immune from liability for any claim arising**
25 **out of the misconduct of the individual if the misconduct relates to the portion of the**
26 **criminal history record that has been expunged.**

610.146. 1. (1) There is hereby created in the state treasury the "Missouri
2 **Expungement Fund", which shall consist of moneys deposited into the fund from any**
3 **source including, but not limited to, gifts, donations, grants, and bequests. The state**
4 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
5 **the state treasurer may approve disbursements. The fund shall be a dedicated fund and,**
6 **upon appropriation, moneys in this fund shall be used solely as provided in under**
7 **subsection 2 of this section.**

8 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
9 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
10 **general revenue fund.**

11 **(3) The state treasurer shall invest moneys in the fund in the same manner as**
12 **other funds are invested. Any interest and moneys earned on such investments shall be**
13 **credited to the fund.**

14 **2. The department of public safety, the information technology services division**
15 **within the office of administration, and the office of state courts administrator shall**
16 **expend moneys from the fund, upon appropriation, only for one or more of the**
17 **following purposes:**

18 **(1) Implementation costs incurred under sections 610.141 to 610.143;**

19 **(2) System upgrades necessitated under sections 610.141 to 610.143; or**

20 **(3) Staffing needs necessitated under sections 610.141 to 610.143.**