

FIRST REGULAR SESSION

HOUSE BILL NO. 1141

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

2505L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 610.122, RSMo, and to enact in lieu thereof one new section relating to arrest records eligible for expungement.

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

Section A. Section 610.122, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.122, to read as follows:

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

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

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

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

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

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

(a) Each such 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

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

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.

18 2. A record of arrest shall only be eligible for expungement under this section if:

19 (1) The subject of the arrest has no prior or subsequent misdemeanor or felony
20 convictions; and

21 (2) No civil action is pending relating to the arrest or the records sought to be expunged.

22 **3. Notwithstanding the provisions of subsection 2 of this section, a record of arrest**
23 **under section 43.503 may be eligible for expungement if the Department of Justice or the**
24 **United States Attorney General issues a report after an investigation with findings**
25 **indicating that a law enforcement agency engaged in unconstitutional practices or racial**
26 **profiling leading to the arrests of persons within such law enforcement agency's**
27 **jurisdiction.**

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