

FIRST REGULAR SESSION

HOUSE BILL NO. 1168

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHAPPELL.

2294H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.690, 558.011, 558.019, and 558.046, RSMo, and to enact in lieu thereof nine new sections relating to proceedings based on court-imposed sentences.

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

Section A. Sections 217.690, 558.011, 558.019, and 558.046, RSMo, are repealed and
2 nine new sections enacted in lieu thereof, to be known as sections 217.690, 558.011, 558.019,
3 558.046, 610.141, 610.142, 610.143, 610.144, and 610.146, to read as follows:

217.690. 1. All releases or paroles shall issue upon order of the parole board, duly
2 adopted. **The parole board has no authority to provide a hearing, order release, or order**
3 **parole of an offender until such time as the offender has served the minimum term of**
4 **the sentence imposed on the offender.**

5 2. Before ordering the parole of any offender, the parole board shall conduct a
6 validated risk and needs assessment and evaluate the case under the rules governing parole
7 that are promulgated by the parole board. The parole board shall then have the offender
8 appear before a hearing panel and shall conduct a personal interview with him or her, unless
9 waived by the offender, or if the guidelines indicate the offender may be paroled without need
10 for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a
11 victim requests a hearing. The appearance or presence may occur by means of a
12 videoconference at the discretion of the parole board. A parole may be ordered for the best
13 interest of society when there is a reasonable probability, based on the risk assessment and
14 indicators of release readiness, that the person can be supervised under parole supervision and
15 successfully reintegrated into the community, not as an award of clemency; it shall not be

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.

16 considered a reduction of sentence or a pardon. Every offender while on parole shall remain
17 in the legal custody of the department but shall be subject to the orders of the parole board.

18 3. The division of probation and parole has discretionary authority to require the
19 payment of a fee, not to exceed sixty dollars per month, from every offender placed under
20 division supervision on probation, parole, or conditional release, to waive all or part of any
21 fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity
22 for fee collections services. All fees collected shall be deposited in the inmate fund
23 established in section 217.430. Fees collected may be used to pay the costs of contracted
24 collections services. The fees collected may otherwise be used to provide community
25 corrections and intervention services for offenders. Such services include substance abuse
26 assessment and treatment, mental health assessment and treatment, electronic monitoring
27 services, residential facilities services, employment placement services, and other offender
28 community corrections or intervention services designated by the division of probation and
29 parole to assist offenders to successfully complete probation, parole, or conditional release.
30 The division of probation and parole shall adopt rules not inconsistent with law, in accordance
31 with section 217.040, with respect to sanctioning offenders and with respect to establishing,
32 waiving, collecting, and using fees.

33 4. The parole board shall adopt rules not inconsistent with law, in accordance with
34 section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole
35 hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole
36 is issued it shall recite the conditions of such parole.

37 5. When considering parole for an offender with consecutive sentences, the minimum
38 term for eligibility for parole shall be calculated by adding the minimum terms for parole
39 eligibility for each of the consecutive sentences, except the minimum term for parole
40 eligibility shall not exceed the minimum term for parole eligibility for an ordinary life
41 sentence.

42 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or
43 more or multiple terms of imprisonment that, taken together, amount to fifteen or more years
44 who was under eighteen years of age at the time of the commission of the offense or offenses
45 may be eligible for parole after serving fifteen years of incarceration, regardless of whether
46 the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in
47 accordance with regulations promulgated by the parole board.

48 7. The provisions of subsection 6 of this section shall not apply to an offender found
49 guilty of murder in the first degree or capital murder who was under eighteen years of age
50 when the offender committed the offense or offenses who may be found ineligible for parole
51 or whose parole eligibility may be controlled by section 558.047 or 565.033.

52 8. Any offender under a sentence for first degree murder who has been denied release
53 on parole after a parole hearing shall not be eligible for another parole hearing until at least
54 three years from the month of the parole denial; however, this subsection shall not prevent a
55 release pursuant to subsection 4 of section 558.011.

56 9. A victim who has requested an opportunity to be heard shall receive notice that the
57 parole board is conducting an assessment of the offender's risk and readiness for release and
58 that the victim's input will be particularly helpful when it pertains to safety concerns and
59 specific protective measures that may be beneficial to the victim should the offender be
60 granted release.

61 10. Parole hearings shall, at a minimum, contain the following procedures:

62 (1) The victim or person representing the victim who attends a hearing may be
63 accompanied by one other person;

64 (2) The victim or person representing the victim who attends a hearing shall have the
65 option of giving testimony in the presence of the inmate or to the hearing panel without the
66 inmate being present;

67 (3) The victim or person representing the victim may call or write the parole board
68 rather than attend the hearing;

69 (4) The victim or person representing the victim may have a personal meeting with a
70 parole board member at the parole board's central office;

71 (5) The judge, prosecuting attorney or circuit attorney and a representative of the
72 local law enforcement agency investigating the crime shall be allowed to attend the hearing or
73 provide information to the hearing panel in regard to the parole consideration; and

74 (6) The parole board shall evaluate information listed in the juvenile sex offender
75 registry pursuant to section 211.425, provided the offender is between the ages of seventeen
76 and twenty-one, as it impacts the safety of the community.

77 11. The parole board shall notify any person of the results of a parole eligibility
78 hearing if the person indicates to the parole board a desire to be notified.

79 12. The parole board may, at its discretion, require any offender seeking parole to
80 meet certain conditions during the term of that parole so long as said conditions are not illegal
81 or impossible for the offender to perform. These conditions may include an amount of
82 restitution to the state for the cost of that offender's incarceration.

83 13. Special parole conditions shall be responsive to the assessed risk and needs of the
84 offender or the need for extraordinary supervision, such as electronic monitoring. The parole
85 board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload
86 conditions upon release, and to require the modification and reduction of conditions based on
87 the person's continuing stability in the community. Parole board rules shall permit parole
88 conditions to be modified by parole officers with review and approval by supervisors.

89 14. Nothing contained in this section shall be construed to require the release of an
90 offender on parole nor to reduce the sentence of an offender heretofore committed.

91 15. Beginning January 1, 2001, the parole board shall not order a parole unless the
92 offender has obtained a high school diploma or its equivalent, or unless the parole board is
93 satisfied that the offender, while committed to the custody of the department, has made an
94 honest good-faith effort to obtain a high school diploma or its equivalent; provided that the
95 director may waive this requirement by certifying in writing to the parole board that the
96 offender has actively participated in mandatory education programs or is academically unable
97 to obtain a high school diploma or its equivalent.

98 16. Any rule or portion of a rule, as that term is defined in section 536.010, that is
99 created under the authority delegated in this section shall become effective only if it complies
100 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
101 This section and chapter 536 are nonseverable and if any of the powers vested with the
102 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
103 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
104 rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid
105 and void.

558.011. 1. The authorized terms of imprisonment, including both prison and
2 conditional release terms, are:

3 (1) For a class A felony, a term of years not less than ten years and not to exceed
4 thirty years, or life imprisonment;

5 (2) For a class B felony, a term of years not less than five years and not to exceed
6 fifteen years;

7 (3) For a class C felony, a term of years not less than three years and not to exceed ten
8 years;

9 (4) For a class D felony, a term of years not to exceed seven years;

10 (5) For a class E felony, a term of years not to exceed four years;

11 (6) For a class A misdemeanor, a term not to exceed one year;

12 (7) For a class B misdemeanor, a term not to exceed six months;

13 (8) For a class C misdemeanor, a term not to exceed fifteen days.

14 2. In cases of class D and E felonies, the court shall have discretion to imprison for a
15 special term not to exceed one year in the county jail or other authorized penal institution, and
16 the place of confinement shall be fixed by the court. If the court imposes a sentence of
17 imprisonment for a term longer than one year upon a person convicted of a class D or E
18 felony, it shall commit the person to the custody of the department of corrections.

19 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court
20 shall commit the person to the custody of the department of corrections for the term imposed
21 under section 557.036, or until released under procedures established elsewhere by law.

22 (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the
23 court shall commit the person to the county jail or other authorized penal institution for the
24 term of his or her sentence or until released under procedure established elsewhere by law.

25 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years
26 for felonies other than dangerous felonies as defined in section 556.061, and other than
27 sentences of imprisonment which involve the individual's fourth or subsequent remand to the
28 department of corrections shall consist of a prison term and a conditional release term. The
29 conditional release term of any term imposed under section 557.036 shall be[=

30 ~~(a) One third for terms of nine years or less;~~

31 ~~(b) Three years for terms between nine and fifteen years;~~

32 ~~(c) Five years for terms more than fifteen years; and the prison term shall be the~~
33 ~~remainder of such term. The prison term may be extended by the parole board pursuant to~~
34 ~~subsection 5 of this section] **no more than fifteen percent of the sentence of imprisonment.**~~

35 (2) "Conditional release" means the conditional discharge of an offender by the parole
36 board, subject to conditions of release that the parole board deems reasonable to assist the
37 offender to lead a law-abiding life, and subject to the supervision under the division of
38 probation and parole. The conditions of release shall include avoidance by the offender of
39 any other offense, federal or state, and other conditions that the parole board in its discretion
40 deems reasonably necessary to assist the releasee in avoiding further violation of the law.
41 **The conditional release term of any term imposed under section 557.036 shall be no**
42 **more than fifteen percent of the sentence of imprisonment.**

43 5. The date of conditional release from the prison term may be extended up to a
44 maximum of the entire sentence of imprisonment by the parole board. The director of any
45 division of the department of corrections except the division of probation and parole may file
46 with the parole board a petition to extend the conditional release date when an offender fails
47 to follow the rules and regulations of the division or commits an act in violation of such rules.
48 Within ten working days of receipt of the petition to extend the conditional release date, the
49 parole board shall convene a hearing on the petition. The offender shall be present and may
50 call witnesses in his or her behalf and cross-examine witnesses appearing against the offender.
51 The hearing shall be conducted as provided in section 217.670. If the violation occurs in
52 close proximity to the conditional release date, the conditional release may be held for a
53 maximum of fifteen working days to permit necessary time for the division director to file a
54 petition for an extension with the parole board and for the parole board to conduct a hearing,
55 provided some affirmative manifestation of an intent to extend the conditional release has

56 occurred prior to the conditional release date. If at the end of a fifteen-working-day period a
57 parole board decision has not been reached, the offender shall be released conditionally. The
58 decision of the parole board shall be final.

558.019. 1. This section shall not be construed to affect the powers of the governor
2 under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms
4 of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall only be applicable to the
6 offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052,
7 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,
8 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064,
9 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111,
10 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,
11 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030
12 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony,
13 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,
14 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150,
15 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230
16 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070,
17 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished
18 as a class A or B felony. For the purposes of this section, "prison commitment" means and is
19 the receipt by the department of corrections of an offender after sentencing. For purposes of
20 this section, prior prison commitments to the department of corrections shall not include an
21 offender's first incarceration prior to release on probation under section 217.362 or 559.115.
22 Other provisions of the law to the contrary notwithstanding, any offender who has been found
23 guilty of a felony other than a dangerous felony as defined in section 556.061 and is
24 committed to the department of corrections shall be required to serve the following minimum
25 prison terms:

26 (1) If the offender has one previous prison commitment to the department of
27 corrections for a felony offense, the minimum prison term which the offender must serve shall
28 be forty percent of his or her sentence or until the offender attains seventy years of age, and
29 has served at least thirty percent of the sentence imposed, whichever occurs first;

30 (2) If the offender has two previous prison commitments to the department of
31 corrections for felonies unrelated to the present offense, the minimum prison term which the
32 offender must serve shall be fifty percent of his or her sentence or until the offender attains
33 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
34 occurs first;

35 (3) If the offender has three or more previous prison commitments to the department
36 of corrections for felonies unrelated to the present offense, the minimum prison term which
37 the offender must serve shall be eighty percent of his or her sentence or until the offender
38 attains seventy years of age, and has served at least forty percent of the sentence imposed,
39 whichever occurs first.

40 3. Other provisions of the law to the contrary notwithstanding, any offender who has
41 been found guilty of a dangerous felony as defined in section 556.061 and is committed to the
42 department of corrections shall be required to serve a minimum prison term of eighty-five
43 percent of the sentence imposed by the court or until the offender attains seventy years of age,
44 and has served at least forty percent of the sentence imposed, whichever occurs first.

45 4. For the purpose of determining the minimum prison term to be served, the
46 following calculations shall apply:

47 (1) A sentence of life shall be calculated to be thirty years;

48 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
49 offenses committed at or near the same time which is over seventy-five years shall be
50 calculated to be seventy-five years.

51 5. For purposes of this section, the term "minimum prison term" shall mean time
52 required to be served by the offender **under subsection 2 of this section** before he or she is
53 eligible for parole, conditional release or other early release by the department of corrections.

54 6. **(1)** An offender who was convicted of, or pled guilty to, a felony offense other
55 than those offenses listed in subsection 2 of this section prior to August 28, 2019, shall ~~no~~
56 ~~longer~~ be subject to the minimum prison term provisions under subsection 2 of this section,
57 and shall **not** be eligible for parole, conditional release, or other early release by the
58 department of corrections ~~[according to the rules and regulations of the department]~~ **unless**
59 **the offender:**

60 **(a) Has completed the drug treatment program under section 217.362 if the**
61 **offense was drug related;**

62 **(b) Has successfully completed the requirements of subsection 4 of section**
63 **217.355;**

64 **(c) Has completed a job training or educational program provided by the**
65 **department of corrections and would be considered work ready; and**

66 **(d) Passes a drug test before release.**

67 **(2) If the conditions of subdivision (1) of this subsection are met, an offender**
68 **may be eligible for parole after serving eighty-five percent of his or her sentence.**

69 **(3) Notwithstanding any other provision of law, on or after August 28, 2023, no**
70 **individual convicted of a sexually violent offense, as defined in section 632.480, or any**

71 **offense under chapter 566 shall be eligible for probation or parole and shall serve one**
72 **hundred percent of any sentence imposed.**

73 **(4) No provision of this subsection shall be construed to prevent an individual**
74 **convicted of an offense listed in subsection 1 or 2 of this section from earning credits**
75 **through the department of corrections while incarcerated for the purpose of increased**
76 **privileges, reduction in security classification, or for any purpose other than for the**
77 **reduction of the sentence imposed.**

78 7. (1) A sentencing advisory commission is hereby created to consist of eleven
79 members. One member shall be appointed by the speaker of the house. One member shall be
80 appointed by the president pro tem of the senate. One member shall be the director of the
81 department of corrections. Six members shall be appointed by and serve at the pleasure of the
82 governor from among the following: the public defender commission; private citizens; a
83 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
84 Two members shall be appointed by the supreme court, one from a metropolitan area and one
85 from a rural area. All members shall be appointed to a four-year term. All members of the
86 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
87 sentencing advisory commission at the pleasure of the governor.

88 (2) The commission shall study sentencing practices in the circuit courts throughout
89 the state for the purpose of determining whether and to what extent disparities exist among
90 the various circuit courts with respect to the length of sentences imposed and the use of
91 probation for offenders convicted of the same or similar offenses and with similar criminal
92 histories. The commission shall also study and examine whether and to what extent
93 sentencing disparity among economic and social classes exists in relation to the sentence of
94 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
95 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
96 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
97 research and investigation of disparities in death penalty sentencing among economic and
98 social classes.

99 (3) The commission shall study alternative sentences, prison work programs, work
100 release, home-based incarceration, probation and parole options, and any other programs and
101 report the feasibility of these options in Missouri.

102 (4) The governor shall select a chairperson who shall call meetings of the commission
103 as required or permitted pursuant to the purpose of the sentencing commission.

104 (5) The members of the commission shall not receive compensation for their duties
105 on the commission, but shall be reimbursed for actual and necessary expenses incurred in the
106 performance of these duties and for which they are not reimbursed by reason of their other
107 paid positions.

108 (6) The circuit and associate circuit courts of this state, the office of the state courts
109 administrator, the department of public safety, and the department of corrections shall
110 cooperate with the commission by providing information or access to information needed by
111 the commission. The office of the state courts administrator will provide needed staffing
112 resources.

113 8. Courts shall retain discretion to lower or exceed the sentence recommended by the
114 commission as otherwise allowable by law, and to order restorative justice methods, when
115 applicable.

116 9. If the imposition or execution of a sentence is suspended, the court may order any
117 or all of the following restorative justice methods, or any other method that the court finds
118 just or appropriate:

119 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result
120 of the offender's actions;

121 (2) Offender treatment programs;

122 (3) Mandatory community service;

123 (4) Work release programs in local facilities; and

124 (5) Community-based residential and nonresidential programs.

125 10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the
126 assessment and payment of a designated amount of restitution to a county law enforcement
127 restitution fund established by the county commission pursuant to section 50.565. Such
128 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
129 moneys deposited into the county law enforcement restitution fund pursuant to this section
130 shall only be expended pursuant to the provisions of section 50.565.

131 11. A judge may order payment to a restitution fund only if such fund had been
132 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A
133 judge shall not have any direct supervisory authority or administrative control over any fund
134 to which the judge is ordering a person to make payment.

135 12. A person who fails to make a payment to a county law enforcement restitution
136 fund may not have his or her probation revoked solely for failing to make such payment
137 unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of
138 the evidence that the person either willfully refused to make the payment or that the person
139 willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire
140 the resources to pay.

141 13. Nothing in this section shall be construed to allow the sentencing advisory
142 commission to issue recommended sentences in specific cases pending in the courts of this
143 state.

558.046. The sentencing court may, upon petition **filed after serving no less than**
2 **sixty percent of the sentence**, reduce any term of sentence or probation pronounced by the
3 court or a term of conditional release or parole pronounced by the parole board if the court
4 determines that:

5 (1) The convicted person was:

6 (a) Convicted of an offense that did not involve violence or the threat of violence; and

7 (b) Convicted of an offense that involved alcohol or illegal drugs; and

8 (2) Since the commission of such offense, the convicted person has successfully
9 completed a detoxification and rehabilitation program; and

10 (3) The convicted person is not:

11 (a) A prior offender, a persistent offender, a dangerous offender or a persistent
12 misdemeanor offender as defined by section 558.016; or

13 (b) A persistent sexual offender as defined in section 566.125; or

14 (c) A prior offender, a persistent offender or a class X offender as defined in section
15 558.019.

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

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

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

90 **(5) (a) Within thirty days of receiving a notice to expunge, the circuit court shall**
91 **issue orders for expungement of all records maintained in the circuit for which no**
92 **notification of ineligibility was received by the office of state courts administrator from**
93 **the central repository unless the circuit court determines the record is not eligible for**
94 **expungement without petition.**

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

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

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

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

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

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

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

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

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

610.142. An offense expunged 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 not match data held in the**
10 **central repository, by judicial circuit, with data aggregated by race, sex, age, county,**
11 **and 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 subsection 2**
7 **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.**