

# SENATE BILL NO. 1097

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

3030S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 314, RSMo, by adding thereto four new sections relating to certificates of exemplary conduct and good moral character issued by a court.

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

Section A. Chapter 314, RSMo, is amended by adding thereto  
2 four new sections, to be known as sections 314.205, 314.208,  
3 314.211, and 314.214, to read as follows:

**314.205. As used in sections 314.205 to 314.214, the  
2 following terms shall mean:**

3 (1) "Certificate", a certificate of exemplary conduct  
4 and good moral character;

5 (2) "Circuit court", any circuit court in the state of  
6 Missouri;

7 (3) "Eligible individual", a person who has been  
8 convicted of an offense in this state or in any other  
9 jurisdiction that does not include an offense that would  
10 subject a person to the sex offender registry under sections  
11 589.400 to 589.426;

12 (4) "Petition", any form or document that is submitted  
13 to the circuit court that documents an eligible individual's  
14 desire to obtain a certificate and the eligible individual's  
15 justification for why the circuit court should grant his or  
16 her request.

314.208. 1. The circuit court shall have the power to  
2 issue a certificate to an eligible individual that has the

3 force and effect of a final judgment. The circuit court  
4 shall issue a certificate to an eligible individual if the  
5 presiding judge finds, at the moment of sentencing or at any  
6 moment thereafter, that clear and convincing evidence  
7 demonstrates that the eligible individual has:

8 (1) Consistently conducted himself or herself in a  
9 manner warranting the issuance of a certificate;

10 (2) Consistently demonstrated that he or she is of  
11 good moral character; and

12 (3) Generally acted in such a way that granting the  
13 certificate is consistent with the public interest.

14 2. The circuit court shall have the power to  
15 investigate an eligible individual petitioning for a  
16 certificate.

17 3. The circuit court shall grant or deny the petition  
18 within a reasonable period of time after the petition is  
19 filed.

20 4. If the circuit court has issued a certificate, the  
21 circuit court may at any time issue a new certificate  
22 enlarging the relief previously granted.

23 5. After notice to a certificate holder, the circuit  
24 court has the power to revoke a certificate upon a  
25 subsequent conviction.

314.211. 1. A certificate shall not prevent any  
2 judicial or administrative proceeding, any licensing  
3 authority, or any other body, board, employer, or authority  
4 from accessing or considering the eligible individual's  
5 conviction history.

6 2. A certificate removes any or all bars an eligible  
7 individual faces with respect to employment, housing, or  
8 occupational licenses.

9           3. An employer is not civilly or criminally liable for  
10 an act or omission by an employee who has been issued a  
11 certificate, except for a willful or wanton act by the  
12 employer in hiring the employee who has been issued a  
13 certificate.

          314.214. 1. The chief justice of the Missouri supreme  
2 court, or his or her designee, may create forms to assist  
3 eligible individuals in providing all the information  
4 required for a presiding judge to fully consider the  
5 eligible individual's case.

6           2. The division of professional registration, and any  
7 other Missouri entity that has the authority to issue or  
8 revoke a license, shall report to the general assembly on  
9 November thirtieth of each year the following:

10           (1) The number of licensure applicants with felony  
11 convictions;

12           (2) The number of applicants with certificates;

13           (3) The number of licenses awarded to applicants with  
14 felony convictions;

15           (4) The number of licenses awarded to applicants with  
16 certificates;

17           (5) The number of applicants with felony convictions  
18 denied licenses; and

19           (6) The number of applicants with certificates denied  
20 licenses.

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