

# SENATE BILL NO. 146

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

0572S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 105.711 and 650.058, RSMo, and to enact in lieu thereof three new sections relating to compensation for wrongful convictions.

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

Section A. Sections 105.711 and 650.058, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 105.711, 506.400, and 506.403, to read as  
4 follows:

105.711. 1. There is hereby created a "State Legal  
2 Expense Fund" which shall consist of moneys appropriated to  
3 the fund by the general assembly and moneys otherwise  
4 credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be  
6 available for the payment of any claim or any amount  
7 required by any final judgment rendered by a court of  
8 competent jurisdiction against:

9 (1) The state of Missouri, or any agency of the state,  
10 pursuant to section 536.050 or 536.087 or section 537.600;

11 (2) Any officer or employee of the state of Missouri  
12 or any agency of the state, including, without limitation,  
13 elected officials, appointees, members of state boards or  
14 commissions, and members of the Missouri National Guard upon  
15 conduct of such officer or employee arising out of and  
16 performed in connection with his or her official duties on  
17 behalf of the state, or any agency of the state, provided

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 that moneys in this fund shall not be available for payment  
19 of claims made under chapter 287;

20 (3) (a) Any physician, psychiatrist, pharmacist,  
21 podiatrist, dentist, nurse, or other health care provider  
22 licensed to practice in Missouri under the provisions of  
23 chapter 330, 332, 334, 335, 336, 337 or 338 who is employed  
24 by the state of Missouri or any agency of the state under  
25 formal contract to conduct disability reviews on behalf of  
26 the department of elementary and secondary education or  
27 provide services to patients or inmates of state  
28 correctional facilities on a part-time basis, and any  
29 physician, psychiatrist, pharmacist, podiatrist, dentist,  
30 nurse, or other health care provider licensed to practice in  
31 Missouri under the provisions of chapter 330, 332, 334, 335,  
32 336, 337, or 338 who is under formal contract to provide  
33 services to patients or inmates at a county jail on a part-  
34 time basis;

35 (b) Any physician licensed to practice medicine in  
36 Missouri under the provisions of chapter 334 and his  
37 professional corporation organized pursuant to chapter 356  
38 who is employed by or under contract with a city or county  
39 health department organized under chapter 192 or chapter  
40 205, or a city health department operating under a city  
41 charter, or a combined city-county health department to  
42 provide services to patients for medical care caused by  
43 pregnancy, delivery, and child care, if such medical  
44 services are provided by the physician pursuant to the  
45 contract without compensation or the physician is paid from  
46 no other source than a governmental agency except for  
47 patient co-payments required by federal or state law or  
48 local ordinance;

49           (c) Any physician licensed to practice medicine in  
50 Missouri under the provisions of chapter 334 who is employed  
51 by or under contract with a federally funded community  
52 health center organized under Section 315, 329, 330 or 340  
53 of the Public Health Services Act (42 U.S.C. Section 216,  
54 254c) to provide services to patients for medical care  
55 caused by pregnancy, delivery, and child care, if such  
56 medical services are provided by the physician pursuant to  
57 the contract or employment agreement without compensation or  
58 the physician is paid from no other source than a  
59 governmental agency or such a federally funded community  
60 health center except for patient co-payments required by  
61 federal or state law or local ordinance. In the case of any  
62 claim or judgment that arises under this paragraph, the  
63 aggregate of payments from the state legal expense fund  
64 shall be limited to a maximum of one million dollars for all  
65 claims arising out of and judgments based upon the same act  
66 or acts alleged in a single cause against any such  
67 physician, and shall not exceed one million dollars for any  
68 one claimant;

69           (d) Any physician licensed pursuant to chapter 334 who  
70 is affiliated with and receives no compensation from a  
71 nonprofit entity qualified as exempt from federal taxation  
72 under Section 501(c)(3) of the Internal Revenue Code of  
73 1986, as amended, which offers a free health screening in  
74 any setting or any physician, nurse, physician assistant,  
75 dental hygienist, dentist, or other health care professional  
76 licensed or registered under chapter 330, 331, 332, 334,  
77 335, 336, 337, or 338 who provides health care services  
78 within the scope of his or her license or registration at a  
79 city or county health department organized under chapter 192  
80 or chapter 205, a city health department operating under a

81 city charter, or a combined city-county health department,  
82 or a nonprofit community health center qualified as exempt  
83 from federal taxation under Section 501(c)(3) of the  
84 Internal Revenue Code of 1986, as amended, excluding  
85 federally funded community health centers as specified in  
86 paragraph (c) of this subdivision and rural health clinics  
87 under 42 U.S.C. Section 1396d(1)(1), if such services are  
88 restricted to primary care and preventive health services,  
89 provided that such services shall not include the  
90 performance of an abortion, and if such health services are  
91 provided by the health care professional licensed or  
92 registered under chapter 330, 331, 332, 334, 335, 336, 337,  
93 or 338 without compensation. MO HealthNet or Medicare  
94 payments for primary care and preventive health services  
95 provided by a health care professional licensed or  
96 registered under chapter 330, 331, 332, 334, 335, 336, 337,  
97 or 338 who volunteers at a community health clinic is not  
98 compensation for the purpose of this section if the total  
99 payment is assigned to the community health clinic. For the  
100 purposes of the section, "community health clinic" means a  
101 nonprofit community health center qualified as exempt from  
102 federal taxation under Section 501(c)(3) of the Internal  
103 Revenue Code of 1987, as amended, that provides primary care  
104 and preventive health services to people without health  
105 insurance coverage. In the case of any claim or judgment  
106 that arises under this paragraph, the aggregate of payments  
107 from the state legal expense fund shall be limited to a  
108 maximum of five hundred thousand dollars, for all claims  
109 arising out of and judgments based upon the same act or acts  
110 alleged in a single cause and shall not exceed five hundred  
111 thousand dollars for any one claimant, and insurance  
112 policies purchased pursuant to the provisions of section

113 105.721 shall be limited to five hundred thousand dollars.  
114 Liability or malpractice insurance obtained and maintained  
115 in force by or on behalf of any health care professional  
116 licensed or registered under chapter 330, 331, 332, 334,  
117 335, 336, 337, or 338 shall not be considered available to  
118 pay that portion of a judgment or claim for which the state  
119 legal expense fund is liable under this paragraph;

120 (e) Any physician, nurse, physician assistant, dental  
121 hygienist, or dentist licensed or registered to practice  
122 medicine, nursing, or dentistry or to act as a physician  
123 assistant or dental hygienist in Missouri under the  
124 provisions of chapter 332, 334, or 335, or lawfully  
125 practicing, who provides medical, nursing, or dental  
126 treatment within the scope of his license or registration to  
127 students of a school whether a public, private, or parochial  
128 elementary or secondary school or summer camp, if such  
129 physician's treatment is restricted to primary care and  
130 preventive health services and if such medical, dental, or  
131 nursing services are provided by the physician, dentist,  
132 physician assistant, dental hygienist, or nurse without  
133 compensation. In the case of any claim or judgment that  
134 arises under this paragraph, the aggregate of payments from  
135 the state legal expense fund shall be limited to a maximum  
136 of five hundred thousand dollars, for all claims arising out  
137 of and judgments based upon the same act or acts alleged in  
138 a single cause and shall not exceed five hundred thousand  
139 dollars for any one claimant, and insurance policies  
140 purchased pursuant to the provisions of section 105.721  
141 shall be limited to five hundred thousand dollars; or

142 (f) Any physician licensed under chapter 334, or  
143 dentist licensed under chapter 332, providing medical care  
144 without compensation to an individual referred to his or her

145 care by a city or county health department organized under  
146 chapter 192 or 205, a city health department operating under  
147 a city charter, or a combined city-county health department,  
148 or nonprofit health center qualified as exempt from federal  
149 taxation under Section 501(c)(3) of the Internal Revenue  
150 Code of 1986, as amended, or a federally funded community  
151 health center organized under Section 315, 329, 330, or 340  
152 of the Public Health Services Act, 42 U.S.C. Section 216,  
153 254c; provided that such treatment shall not include the  
154 performance of an abortion. In the case of any claim or  
155 judgment that arises under this paragraph, the aggregate of  
156 payments from the state legal expense fund shall be limited  
157 to a maximum of one million dollars for all claims arising  
158 out of and judgments based upon the same act or acts alleged  
159 in a single cause and shall not exceed one million dollars  
160 for any one claimant, and insurance policies purchased under  
161 the provisions of section 105.721 shall be limited to one  
162 million dollars. Liability or malpractice insurance  
163 obtained and maintained in force by or on behalf of any  
164 physician licensed under chapter 334, or any dentist  
165 licensed under chapter 332, shall not be considered  
166 available to pay that portion of a judgment or claim for  
167 which the state legal expense fund is liable under this  
168 paragraph;

169 (4) Staff employed by the juvenile division of any  
170 judicial circuit;

171 (5) Any attorney licensed to practice law in the state  
172 of Missouri who practices law at or through a nonprofit  
173 community social services center qualified as exempt from  
174 federal taxation under Section 501(c)(3) of the Internal  
175 Revenue Code of 1986, as amended, or through any agency of  
176 any federal, state, or local government, if such legal

177 practice is provided by the attorney without compensation.  
178 In the case of any claim or judgment that arises under this  
179 subdivision, the aggregate of payments from the state legal  
180 expense fund shall be limited to a maximum of five hundred  
181 thousand dollars for all claims arising out of and judgments  
182 based upon the same act or acts alleged in a single cause  
183 and shall not exceed five hundred thousand dollars for any  
184 one claimant, and insurance policies purchased pursuant to  
185 the provisions of section 105.721 shall be limited to five  
186 hundred thousand dollars;

187 (6) Any social welfare board created under section  
188 205.770 and the members and officers thereof upon conduct of  
189 such officer or employee while acting in his or her capacity  
190 as a board member or officer, and any physician, nurse,  
191 physician assistant, dental hygienist, dentist, or other  
192 health care professional licensed or registered under  
193 chapter 330, 331, 332, 334, 335, 336, 337, or 338 who is  
194 referred to provide medical care without compensation by the  
195 board and who provides health care services within the scope  
196 of his or her license or registration as prescribed by the  
197 board; or

198 (7) Any person who is selected or appointed by the  
199 state director of revenue under subsection 2 of section  
200 136.055 to act as an agent of the department of revenue, to  
201 the extent that such agent's actions or inactions upon which  
202 such claim or judgment is based were performed in the course  
203 of the person's official duties as an agent of the  
204 department of revenue and in the manner required by state  
205 law or department of revenue rules.

206 **3. Moneys in the state legal expense fund shall be**  
207 **available for the payment of any claim or any amount**  
208 **required by any final judgment rendered by a court of**

209 **competent jurisdiction for the purposes of paying judgments**  
210 **arising from claims under section 506.400.**

211       **4.** The department of health and senior services shall  
212 promulgate rules regarding contract procedures and the  
213 documentation of care provided under paragraphs (b), (c),  
214 (d), (e), and (f) of subdivision (3) of subsection 2 of this  
215 section. The limitation on payments from the state legal  
216 expense fund or any policy of insurance procured pursuant to  
217 the provisions of section 105.721, provided in subsection  
218 **[7]8** of this section, shall not apply to any claim or  
219 judgment arising under paragraph (a), (b), (c), (d), (e), or  
220 (f) of subdivision (3) of subsection 2 of this section. Any  
221 claim or judgment arising under paragraph (a), (b), (c),  
222 (d), (e), or (f) of subdivision (3) of subsection 2 of this  
223 section shall be paid by the state legal expense fund or any  
224 policy of insurance procured pursuant to section 105.721, to  
225 the extent damages are allowed under sections 538.205 to  
226 538.235. Liability or malpractice insurance obtained and  
227 maintained in force by any health care professional licensed  
228 or registered under chapter 330, 331, 332, 334, 335, 336,  
229 337, or 338 for coverage concerning his or her private  
230 practice and assets shall not be considered available under  
231 subsection **[7]8** of this section to pay that portion of a  
232 judgment or claim for which the state legal expense fund is  
233 liable under paragraph (a), (b), (c), (d), (e), or (f) of  
234 subdivision (3) of subsection 2 of this section. However, a  
235 health care professional licensed or registered under  
236 chapter 330, 331, 332, 334, 335, 336, 337, or 338 may  
237 purchase liability or malpractice insurance for coverage of  
238 liability claims or judgments based upon care rendered under  
239 paragraphs (c), (d), (e), and (f) of subdivision (3) of  
240 subsection 2 of this section which exceed the amount of



241 liability coverage provided by the state legal expense fund  
242 under those paragraphs. Even if paragraph (a), (b), (c),  
243 (d), (e), or (f) of subdivision (3) of subsection 2 of this  
244 section is repealed or modified, the state legal expense  
245 fund shall be available for damages which occur while the  
246 pertinent paragraph (a), (b), (c), (d), (e), or (f) of  
247 subdivision (3) of subsection 2 of this section is in effect.

248 **[4.]5.** The attorney general shall promulgate rules  
249 regarding contract procedures and the documentation of legal  
250 practice provided under subdivision (5) of subsection 2 of  
251 this section. The limitation on payments from the state  
252 legal expense fund or any policy of insurance procured  
253 pursuant to section 105.721 as provided in subsection **[7]8**  
254 of this section shall not apply to any claim or judgment  
255 arising under subdivision (5) of subsection 2 of this  
256 section. Any claim or judgment arising under subdivision  
257 (5) of subsection 2 of this section shall be paid by the  
258 state legal expense fund or any policy of insurance procured  
259 pursuant to section 105.721 to the extent damages are  
260 allowed under sections 538.205 to 538.235. Liability or  
261 malpractice insurance otherwise obtained and maintained in  
262 force shall not be considered available under subsection  
263 **[7]8** of this section to pay that portion of a judgment or  
264 claim for which the state legal expense fund is liable under  
265 subdivision (5) of subsection 2 of this section. However,  
266 an attorney may obtain liability or malpractice insurance  
267 for coverage of liability claims or judgments based upon  
268 legal practice rendered under subdivision (5) of subsection  
269 2 of this section that exceed the amount of liability  
270 coverage provided by the state legal expense fund under  
271 subdivision (5) of subsection 2 of this section. Even if  
272 subdivision (5) of subsection 2 of this section is repealed

273 or amended, the state legal expense fund shall be available  
274 for damages that occur while the pertinent subdivision (5)  
275 of subsection 2 of this section is in effect.

276 [5.]6. All payments shall be made from the state legal  
277 expense fund by the commissioner of administration with the  
278 approval of the attorney general. Payment from the state  
279 legal expense fund of a claim or final judgment award  
280 against a health care professional licensed or registered  
281 under chapter 330, 331, 332, 334, 335, 336, 337, or 338,  
282 described in paragraph (a), (b), (c), (d), (e), or (f) of  
283 subdivision (3) of subsection 2 of this section, or against  
284 an attorney in subdivision (5) of subsection 2 of this  
285 section, shall only be made for services rendered in  
286 accordance with the conditions of such paragraphs. In the  
287 case of any claim or judgment against an officer or employee  
288 of the state or any agency of the state based upon conduct  
289 of such officer or employee arising out of and performed in  
290 connection with his or her official duties on behalf of the  
291 state or any agency of the state that would give rise to a  
292 cause of action under section 537.600, the state legal  
293 expense fund shall be liable, excluding punitive damages,  
294 for:

- 295 (1) Economic damages to any one claimant; and  
296 (2) Up to three hundred fifty thousand dollars for  
297 noneconomic damages.

298 The state legal expense fund shall be the exclusive remedy  
299 and shall preclude any other civil actions or proceedings  
300 for money damages arising out of or relating to the same  
301 subject matter against the state officer or employee, or the  
302 officer's or employee's estate. No officer or employee of  
303 the state or any agency of the state shall be individually

304 liable in his or her personal capacity for conduct of such  
305 officer or employee arising out of and performed in  
306 connection with his or her official duties on behalf of the  
307 state or any agency of the state. The provisions of this  
308 subsection shall not apply to any defendant who is not an  
309 officer or employee of the state or any agency of the state  
310 in any proceeding against an officer or employee of the  
311 state or any agency of the state. Nothing in this  
312 subsection shall limit the rights and remedies otherwise  
313 available to a claimant under state law or common law in  
314 proceedings where one or more defendants is not an officer  
315 or employee of the state or any agency of the state.

316 [6.]7. The limitation on awards for noneconomic  
317 damages provided for in this subsection shall be increased  
318 or decreased on an annual basis effective January first of  
319 each year in accordance with the Implicit Price Deflator for  
320 Personal Consumption Expenditures as published by the Bureau  
321 of Economic Analysis of the United States Department of  
322 Commerce. The current value of the limitation shall be  
323 calculated by the director of the department of commerce and  
324 insurance, who shall furnish that value to the secretary of  
325 state, who shall publish such value in the Missouri Register  
326 as soon after each January first as practicable, but it  
327 shall otherwise be exempt from the provisions of section  
328 536.021.

329 [7.]8. Except as provided in subsection [3]4 of this  
330 section, in the case of any claim or judgment that arises  
331 under sections 537.600 and 537.610 against the state of  
332 Missouri, or an agency of the state, the aggregate of  
333 payments from the state legal expense fund and from any  
334 policy of insurance procured pursuant to the provisions of  
335 section 105.721 shall not exceed the limits of liability as

336 provided in sections 537.600 to 537.610. No payment shall  
337 be made from the state legal expense fund or any policy of  
338 insurance procured with state funds pursuant to section  
339 105.721 unless and until the benefits provided to pay the  
340 claim by any other policy of liability insurance have been  
341 exhausted.

342 **[8.]9.** The provisions of section 33.080  
343 notwithstanding, any moneys remaining to the credit of the  
344 state legal expense fund at the end of an appropriation  
345 period shall not be transferred to general revenue.

346 **[9.]10.** Any rule or portion of a rule, as that term is  
347 defined in section 536.010, that is promulgated under the  
348 authority delegated in sections 105.711 to 105.726 shall  
349 become effective only if it has been promulgated pursuant to  
350 the provisions of chapter 536. Nothing in this section  
351 shall be interpreted to repeal or affect the validity of any  
352 rule filed or adopted prior to August 28, 1999, if it fully  
353 complied with the provisions of chapter 536. This section  
354 and chapter 536 are nonseverable and if any of the powers  
355 vested with the general assembly pursuant to chapter 536 to  
356 review, to delay the effective date, or to disapprove and  
357 annul a rule are subsequently held unconstitutional, then  
358 the grant of rulemaking authority and any rule proposed or  
359 adopted after August 28, 1999, shall be invalid and void.

**506.400. 1. As used in this section, "claimant" means**  
2 **a person convicted and subsequently imprisoned for one or**  
3 **more offenses that such person did not commit.**

4 **2. Notwithstanding any other provision of law, a**  
5 **claimant may bring an action in the circuit court seeking**  
6 **damages from the state under this section.**

7 **3. (1) The claimant shall establish the following by**  
8 **a preponderance of evidence:**

9           (a) The claimant was convicted of a felony offense and  
10 subsequently imprisoned;

11           (b) The claimant's judgment of conviction was reversed  
12 or vacated and either the charges were dismissed or on  
13 retrial the claimant was found to be not guilty;

14           (c) The claimant did not commit the offense or  
15 offenses for which the claimant was convicted and was not an  
16 accessory or accomplice to the acts that were the basis of  
17 the conviction and resulted in a reversal or vacation of the  
18 judgment of conviction, dismissal of the charges, or finding  
19 of not guilty on retrial; and

20           (d) The claimant did not commit or suborn perjury,  
21 fabricate evidence, or by the claimant's own conduct cause  
22 or bring about the conviction. Neither a confession or  
23 admission later found to be false nor a guilty plea shall  
24 constitute committing or suborning perjury, fabricating  
25 evidence, or causing or bringing about the conviction under  
26 this subsection.

27           (2) The court, in exercising its discretion as  
28 permitted by law regarding the weight and admissibility of  
29 evidence submitted under this section, may, in the interest  
30 of justice, give due consideration to difficulties of proof  
31 caused by the passage of time, the death or unavailability  
32 of witnesses, the destruction of evidence, or other factors  
33 not caused by such persons or those acting on their behalf.

34           4. (1) The suit, accompanied by a statement of the  
35 facts concerning the claim for damages, verified in the  
36 manner provided for the verification of complaints in the  
37 rules of civil procedure, shall be brought by the claimant  
38 within a period of two years after the:

39           (a) Dismissal of the criminal charges against the  
40 claimant or finding of not guilty on retrial; or

41 (b) Grant of a pardon to the claimant.

42 (2) A claimant convicted, imprisoned, and released  
43 from custody before August 28, 2023, shall commence an  
44 action under this section no later than August 28, 2025.

45 (3) All pleadings shall be captioned "In the matter of  
46 the wrongful conviction of".

47 (4) Any claim filed under this section shall be served  
48 on the attorney general.

49 (5) The suit for a claim filed under this section  
50 shall be tried by the court, and no request for a jury trial  
51 shall be made.

52 5. (1) Damages awarded under this section shall be:

53 (a) Except as provided in subdivision (2) of this  
54 subsection, one hundred seventy-nine dollars per day for  
55 each day of imprisonment but no more than sixty-five  
56 thousand dollars per fiscal year; and

57 (b) Not less than twenty-five thousand dollars for  
58 each additional year served on parole or postrelease  
59 supervision or each additional year the claimant was  
60 required to register as a sexual offender under sections  
61 589.400 to 589.425, whichever is greater.

62 (2) A claimant shall not receive compensation for any  
63 period of incarceration during which the claimant was  
64 concurrently serving a sentence for a conviction of another  
65 crime for which such claimant was lawfully incarcerated.

66 (3) (a) Except as provided in paragraph (b) of this  
67 subdivision, the court shall order that the award be paid as  
68 a combination of an initial payment not to exceed one  
69 hundred thousand dollars or twenty-five percent of the  
70 award, whichever is greater, and the remainder as an annuity  
71 not to exceed eighty thousand dollars per year. The

72 claimant shall designate a beneficiary or beneficiaries for  
73 the annuity by filing such designation with the court.

74 (b) The court may order that the award be paid in one  
75 lump sum if the court finds that it is in the best interests  
76 of the claimant.

77 (4) In addition to the damages awarded under  
78 subdivision (1) of this subsection, the claimant:

79 (a) Shall be entitled to receive reasonable attorney's  
80 fees and costs incurred in the action brought under this  
81 section not to exceed a total of twenty-five thousand  
82 dollars, unless a greater reasonable total is authorized by  
83 the court upon a finding of good cause shown;

84 (b) May also be awarded other nonmonetary relief as  
85 sought in the complaint including, but not limited to,  
86 counseling, housing assistance, and personal financial  
87 literacy assistance, as appropriate; and

88 (c) Shall be entitled to receive tuition assistance  
89 under section 506.403.

90 6. (1) If, at the time of the judgment entry referred  
91 to in subsection 5 of this section, the claimant has won a  
92 monetary award against the state or any political  
93 subdivision thereof in a civil action related to the same  
94 subject, or has entered into a settlement agreement with the  
95 state or any political subdivision thereof related to the  
96 same subject, the amount of the award in the action or the  
97 amount received in the settlement agreement, less any sums  
98 paid to attorneys or for costs in litigating the other civil  
99 action or obtaining the settlement agreement, shall be  
100 deducted from the sum of moneys to which the claimant is  
101 entitled under this section. The court shall include in the  
102 judgment entry an award to the state of any amount deducted  
103 under this subsection.

104           (2) If subdivision (1) of this subsection does not  
105 apply and if, after the time of the judgment entry referred  
106 to in subsection 5 of this section, the claimant wins a  
107 monetary award against the state or any political  
108 subdivision thereof in a civil action related to the same  
109 subject, or enters into a settlement agreement with the  
110 state or any political subdivision thereof related to the  
111 same subject, the claimant shall reimburse the state for the  
112 sum of moneys paid under the judgment entry referred to in  
113 subsection 5 of this section, less any sums paid to  
114 attorneys or for costs in litigating the other civil action  
115 or obtaining the settlement agreement. A reimbursement  
116 required under this subsection shall not exceed the amount  
117 of the monetary award the claimant wins for damages in the  
118 other civil action or the amount received in the settlement  
119 agreement.

120           7. If the court finds that the claimant is entitled to  
121 a judgment, it shall enter a certificate of innocence  
122 finding that the claimant was innocent of all offenses for  
123 which the claimant was mistakenly convicted. The clerk of  
124 the court shall send a certified copy of the certificate of  
125 innocence and the judgment entry to the attorney general for  
126 payment under section 105.711.

127           8. Upon entry of a certificate of innocence, the  
128 claimant shall automatically be granted an order of  
129 expungement from the court in which he or she pled guilty or  
130 was sentenced to expunge from all official records or  
131 recordations of his or her arrest, plea, trial, or  
132 conviction. Upon granting of the order of expungement, the  
133 records and files maintained in any administrative or court  
134 proceeding in an associate or circuit division of the court  
135 shall be confidential and only available to the parties or



136 by order of the court for good cause shown. The effect of  
137 such order shall be to restore such person to the status he  
138 or she occupied prior to such arrest, plea, or conviction  
139 and as if such event had never taken place. No person as to  
140 whom such order has been entered shall be held thereafter  
141 under any provision of any law to be guilty of perjury or  
142 otherwise giving a false statement by reason of his or her  
143 failure to recite or acknowledge such arrest, plea, trial,  
144 conviction, or expungement in response to any inquiry made  
145 of him or her for any purpose whatsoever, and no such  
146 inquiry shall be made for information relating to an  
147 expungement under this subsection.

148 9. Upon entry of a certificate of innocence, the court  
149 shall order the expungement and destruction of the  
150 associated biological samples authorized by and given to the  
151 Missouri state highway patrol. The order shall state the  
152 information required to be stated in a petition to expunge  
153 and destroy the samples and profile record and shall direct  
154 the Missouri state highway patrol to expunge and destroy  
155 such samples and profile record. The clerk of the court  
156 shall send a certified copy of the order to the Missouri  
157 state highway patrol, which shall carry out the order and  
158 provide confirmation of such action to the court. Nothing in  
159 this subsection shall require the Missouri state highway  
160 patrol to expunge and destroy any sample or profile record  
161 associated with the claimant that was related to any offense  
162 other than the offense for which the court has entered a  
163 certificate of innocence.

164 10. The decision to grant or deny a certificate of  
165 innocence shall not have a res judicata effect on any other  
166 proceedings.

167           11. Nothing in this section shall preclude the  
168 department of corrections from providing reentry services to  
169 a claimant that are provided to other persons including, but  
170 not limited to, financial assistance, housing assistance,  
171 mentoring, and counseling. Such services shall be provided  
172 while an action under this section is pending and after any  
173 judgment is entered, as appropriate for such claimant.

174           12. A decision under this section may be appealed to  
175 the supreme court.

          506.403. 1. Any individual awarded tuition assistance  
2 under section 506.400 shall receive a waiver of tuition and  
3 required fees for attendance at a public institution of  
4 higher education for up to one hundred twenty credit hours.  
5 Such individual may attend a public institution of higher  
6 education either full-time or part-time.

7           2. (1) Subject to appropriations, the department of  
8 higher education may make expenditures to reimburse each  
9 individual awarded tuition assistance under section 506.400  
10 who is enrolled in a public institution of higher education  
11 for additional fees including, but not limited to, fees for  
12 room and board, technical equipment, and course-required  
13 books.

14           (2) No public institution of higher education shall  
15 delay enrollment of an individual who is awarded tuition  
16 assistance under section 506.400 because appropriations are  
17 not available for any additional fees provided to such  
18 individual.

19           3. To remain eligible for the tuition and fees waiver  
20 under this section, an individual shall remain in good  
21 standing at the public institution of higher education where  
22 the individual is enrolled.

23           4. Individuals shall provide a written or electronic  
24 copy of the court order awarding relief in the form of  
25 tuition assistance to the public institution of higher  
26 education or the department of higher education.

27           5. The department of higher education shall adopt  
28 rules and regulations to administer the provisions of this  
29 section. Any rule or portion of a rule, as that term is  
30 defined in section 536.010, that is created under the  
31 authority delegated in this section shall become effective  
32 only if it complies with and is subject to all of the  
33 provisions of chapter 536 and, if applicable, section  
34 536.028. This section and chapter 536 are nonseverable, and  
35 if any of the powers vested with the general assembly  
36 pursuant to chapter 536 to review, to delay the effective  
37 date, or to disapprove and annul a rule are subsequently  
38 held unconstitutional, then the grant of rulemaking  
39 authority and any rule proposed or adopted after August 28,  
40 2023, shall be invalid and void.

2           [650.058. 1. Notwithstanding the  
3 sovereign immunity of the state, any individual  
4 who was found guilty of a felony in a Missouri  
5 court and was later determined to be actually  
6 innocent of such crime solely as a result of DNA  
7 profiling analysis may be paid restitution. The  
8 individual may receive an amount of one hundred  
9 dollars per day for each day of postconviction  
10 incarceration for the crime for which the  
11 individual is determined to be actually  
12 innocent. The petition for the payment of said  
13 restitution shall be filed with the sentencing  
14 court. For the purposes of this section, the  
15 term "actually innocent" shall mean:  
16           (1) The individual was convicted of a  
17 felony for which a final order of release was  
18 entered by the court;  
19           (2) All appeals of the order of release  
20 have been exhausted;  
21           (3) The individual was not serving any  
22 term of a sentence for any other crime  
23 concurrently with the sentence for which he or  
24 she is determined to be actually innocent,  
unless such individual was serving another

25 concurrent sentence because his or her parole  
26 was revoked by a court or the parole board in  
27 connection with the crime for which the person  
28 has been exonerated. Regardless of whether any  
29 other basis may exist for the revocation of the  
30 person's probation or parole at the time of  
31 conviction for the crime for which the person is  
32 later determined to be actually innocent, when  
33 the court's or the parole board's sole stated  
34 reason for the revocation in its order is the  
35 conviction for the crime for which the person is  
36 later determined to be actually innocent, such  
37 order shall, for purposes of this section only,  
38 be conclusive evidence that their probation or  
39 parole was revoked in connection with the crime  
40 for which the person has been exonerated; and

41 (4) Testing ordered under section 547.035,  
42 or testing by the order of any state or federal  
43 court, if such person was exonerated on or  
44 before August 28, 2004, or testing ordered under  
45 section 650.055, if such person was or is  
46 exonerated after August 28, 2004, demonstrates a  
47 person's innocence of the crime for which the  
48 person is in custody.

49 Any individual who receives restitution under  
50 this section shall be prohibited from seeking  
51 any civil redress from the state, its  
52 departments and agencies, or any employee  
53 thereof, or any political subdivision or its  
54 employees. This section shall not be construed  
55 as a waiver of sovereign immunity for any  
56 purposes other than the restitution provided for  
57 herein. The department of corrections shall  
58 determine the aggregate amount of restitution  
59 owed during a fiscal year. If insufficient  
60 moneys are appropriated each fiscal year to pay  
61 restitution to such persons, the department  
62 shall pay each individual who has received an  
63 order awarding restitution a pro rata share of  
64 the amount appropriated. Provided sufficient  
65 moneys are appropriated to the department, the  
66 amounts owed to such individual shall be paid on  
67 June thirtieth of each subsequent fiscal year,  
68 until such time as the restitution to the  
69 individual has been paid in full. However, no  
70 individual awarded restitution under this  
71 subsection shall receive more than thirty-six  
72 thousand five hundred dollars during each fiscal  
73 year. No interest on unpaid restitution shall  
74 be awarded to the individual. No individual who  
75 has been determined by the court to be actually  
76 innocent shall be responsible for the costs of  
77 care under section 217.831.

78 2. If the results of the DNA testing  
79 confirm the person's guilt, then the person  
80 filing for DNA testing under section 547.035,  
81 shall:

82 (1) Be liable for any reasonable costs  
83 incurred when conducting the DNA test, including  
84 but not limited to the cost of the test. Such  
85 costs shall be determined by the court and shall  
86 be included in the findings of fact and  
87 conclusions of law made by the court; and  
88 (2) Be sanctioned under the provisions of  
89 section 217.262.

90 3. A petition for payment of restitution  
91 under this section may only be filed by the  
92 individual determined to be actually innocent or  
93 the individual's legal guardian. No claim or  
94 petition for restitution under this section may  
95 be filed by the individual's heirs or assigns.  
96 An individual's right to receive restitution  
97 under this section is not assignable or  
98 otherwise transferrable. The state's obligation  
99 to pay restitution under this section shall  
100 cease upon the individual's death. Any  
101 beneficiary designation that purports to  
102 bequeath, assign, or otherwise convey the right  
103 to receive such restitution shall be void and  
104 unenforceable.

105 4. An individual who is determined to be  
106 actually innocent of a crime under this chapter  
107 shall automatically be granted an order of  
108 expungement from the court in which he or she  
109 pled guilty or was sentenced to expunge from all  
110 official records all recordations of his or her  
111 arrest, plea, trial or conviction. Upon  
112 granting of the order of expungement, the  
113 records and files maintained in any  
114 administrative or court proceeding in an  
115 associate or circuit division of the court shall  
116 be confidential and only available to the  
117 parties or by order of the court for good cause  
118 shown. The effect of such order shall be to  
119 restore such person to the status he or she  
120 occupied prior to such arrest, plea or  
121 conviction and as if such event had never taken  
122 place. No person as to whom such order has been  
123 entered shall be held thereafter under any  
124 provision of any law to be guilty of perjury or  
125 otherwise giving a false statement by reason of  
126 his or her failure to recite or acknowledge such  
127 arrest, plea, trial, conviction or expungement  
128 in response to any inquiry made of him or her  
129 for any purpose whatsoever and no such inquiry  
130 shall be made for information relating to an  
131 expungement under this section.]

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