

HB 2786 -- COURT-IMPOSED SENTENCES

SPONSOR: Davidson

This bill modifies several provisions relating to proceedings based on court-imposed sentences.

The bill prevents the parole board from providing a hearing, ordering release, or ordering parole of an offender until the offender has served the minimum term of the sentence imposed.

This bill modifies the conditional release term of any sentence of imprisonment imposed under Chapter 557, RSMo to be no more than 15% of the sentence of imprisonment. Offenders who were convicted of, or pled guilty to, certain felony offenses will be subject to minimum prison term provisions referenced in the bill, and not eligible for parole, conditional release, or other early release by the Department unless they have successfully completed certain provisions, which are specified in the bill.

Currently, the sentencing court may reduce any term of the sentence or probation or a term of conditional release, provided that the court determines that several conditions have been met. This bill requires 60% of the sentence to be served before a petition may be filed in order to initiate this process.

Beginning August 28, 2026, all records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court will be closed in the manner established in the bill without the filing of a petition for certain cases, which are specified in the bill. However, this does not include expungement without petition of any records pertaining to juvenile adjudications or offenses involving the operation of a motor vehicle.

An individual may be granted more than one expungement provided that during their lifetime the total number of offenses, violations, or infractions for which expungement can be granted do not exceed the limits specified in the bill. The bill also specifies determinations for lifetime limits on expungement.

Beginning August 28, 2026, and on a monthly basis thereafter, the Office of State Courts Administrator will identify and transmit to the central repository all records of charges and convictions eligible for expungement under the provisions of this bill, except for records relating to ordinance violations or non-reportable offenses, within 30 days of the record becoming eligible for expungement without petition.

Records eligible for expungement on or before August 28, 2024, will be identified and expunged by August 28, 2027.

Any case with delinquent court costs, fines, fees, or other sums ordered by a court, except for restitution owed to a victim of a crime, will not be expunged and will not be considered by the Office of State Courts Administrator when determining expungement of a record without a petition under the provisions of this bill. The Office will seek a setoff of any income tax refund and lottery prize payouts under Chapter 488 for all delinquent costs, fines, fees, or other sums ordered by a court relating to convictions that have been expunged under the provisions of this bill. If 30 days have passed without an objection from the central repository for one of the reasons specified in this bill, the Office of State Courts Administrator will transmit, within 15 days, all the records to be expunged, sorted by circuit, to the presiding judges of every circuit court.

Within 30 days of receiving a notice to expunge, the circuit court must issue orders for the expungement of all records maintained in the circuit, for which no notification of ineligibility was received by the Office of State Courts Administrator from the central repository unless the circuit court determines the record is, in fact, ineligible for expungement without petition.

On a monthly basis, each circuit court will issue orders for expungement of all records of arrest, charge and conviction for ordinance violations, and nonfingerprintable offenses in the circuit that the court determines are eligible for expungement without petition. Also on a monthly basis, each circuit court must transmit copies of all orders for expungement to the Office of State Courts Administrator.

Once the records are expunged, the Office of State Courts Administrator will provide notice to all state agencies maintaining official copies of the records, including, but not limited to, those described in the bill.

The Office of State Courts Administrator will create a digital access portal, featuring all orders of expungement issued under the provisions of this bill. The portal must allow users to determine if an order for expungement without petition has been granted in a person's name, and the portal must employ measures to prevent any sort of disclosure of any order to anyone other than the person for whom the order was issued.

Any court sentencing an individual for an offense that is not excluded from eligibility for expungement must notify the individual at the time of sentencing of the date in which the

offender's conviction may become eligible for expungement, provided they are not convicted of any misdemeanor or felony, not including a traffic regulation violation, during the specified time period for the underlying offense(s).

Any probation or parole office releasing a person from supervision not excluded from eligibility will notify the person, at the time supervision is discharged, of the date when their records may become eligible for expungement, provided they are not convicted of any misdemeanor or felony, not including a traffic violation, during the specified time period for the underlying offenses.

Certain provisions of this bill apply retroactively to any arrest, charge, trial, and conviction, regardless of the date the arrest was made, the charge or charges were brought, the trial occurred, or the conviction was entered.

Offenses expunged under the provisions of this bill will be reinstated by the court upon motion, if the court finds that the conviction was improperly expunged due to a lack of eligibility.

Beginning August 28, 2027, and on a yearly basis thereafter, the Office of State Courts Administrator must report to the Judiciary committees of both chambers of the General Assembly. The requirements of the reporting may be found in the bill.

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

Any credit bureau or user of information that willingly fails to comply with the requirements stipulated in this bill, or that is negligent in failing to comply, with respect to any consumer, is liable to that person in an amount equal to any actual damages sustained by the consumer as a result. In the case of any successful action under the provisions of this bill, costs of the action and reasonable attorney's fees as determined by the court.

Injunctive relief will be available to any consumer aggrieved by a violation or a threatened violation of these provisions, regardless of whether the consumer seeks any remedy.

An employer who employs, or otherwise engages an individual whose criminal history record has been expunged, will be immune from liability for any claim arising out of the individual's misconduct

if said misconduct relates to the expunged portion of their criminal history record.

This bill creates the "Missouri Expungement Fund", which will consist of moneys deposited into the Fund from any source including, but not limited to: donations, gifts, grants, and bequests. The Department of Public Safety, the Information Technology Services Division within the Office of Administration, and the Office of State Courts Administrator shall expend moneys from the Fund for one or more of the purposes specified in the bill.

This bill is similar to HB 1168 (2023).