

FIRST REGULAR SESSION

SENATE BILL NO. 539

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Read 1st time March 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2099S.011

AN ACT

To amend chapter 314, RSMo, by adding thereto four new sections relating to discriminatory practices against persons convicted of certain offenses.

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

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

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

- (1) "Certificate", a certificate of exemplary conduct and good moral character;**
- (2) "Circuit court", any circuit court in the state of Missouri;**
- (3) "Eligible individual", a person who has been convicted of an offense in this state or in any other jurisdiction that does not include an offense or attempted offense that would subject a person to the sex offender registry under sections 589.400 to 589.426;**
- (4) "Petition", any form or document that is submitted to the circuit court that documents an eligible individual's desire to obtain a certificate and the eligible individual's justification for why the circuit court should grant his or her request.**

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

- (1) Consistently conducted himself or herself in a manner**

8 warranting the issuance of a certificate;

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

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

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

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

17 4. If the circuit court has issued a certificate, the circuit court
18 may at any time issue a new certificate enlarging the relief previously
19 granted.

20 5. After notice to a certificate holder, the circuit court has the
21 power to revoke a certificate upon a subsequent conviction.

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

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

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

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

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

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

10 (2) The number of applicants with certificates;

11 (3) The number of licenses awarded to applicants with felony
12 convictions;

13 (4) The number of licenses awarded to applicants with

14 **certificates;**

15 **(5) The number of applicants with felony convictions denied**
16 **licenses; and**

17 **(6) The number of applicants with certificates denied licenses.**

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