

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/House Bill No. 1355, Page 10, Section 57.117, Line 7,

2 of said page, by inserting after the word "state." the following:
 3 "The provisions of this section authorizing the appointment of a
 4 person as an under sheriff or deputy sheriff who is a bona fide
 5 resident of an adjoining state shall not apply to a sheriff of
 6 any county with a charter form of government and with more than
 7 six hundred thousand but fewer than seven hundred thousand
 8 inhabitants."; and

9 Further amend said bill, Page 13, Section 84.510, Line 22 of
 10 said page, by inserting after all of said line the following:

11 "87.135. 1. Under such rules and regulations as the board
 12 of trustees shall adopt, each member who was a firefighter on and
 13 prior to the date of the establishment of the retirement system
 14 shall file a detailed statement of all service as a firefighter
 15 rendered by him or her prior to that date for which the
 16 firefighter claims credit.

17 2. The board of trustees shall fix and determine by proper
 18 rules and regulations how much service in any year is equivalent
 19 to one year of service, but in no case shall more than one year
 20 of service be creditable for all service in one calendar year,
 21 nor shall the board of trustees allow credit as service for any

1 period of more than one month's duration during which the member
2 was absent without pay.

3 3. Subject to the above restrictions and to such other
4 rules and regulations as the board of trustees may adopt, the
5 board of trustees shall verify the service claims as soon as
6 practicable after the filing of the statement of service.

7 4. Upon verification of the statements of service the board
8 of trustees shall issue prior service certificates, certifying to
9 each member the length of prior service with which the member is
10 credited on the basis of his or her statement of service. So
11 long as the holder of the certificate continues to be a member, a
12 prior service certificate shall be final and conclusive for
13 retirement purposes as to such service, except that any member
14 may, within one year from the date of issuance or modification of
15 the certificate, request the board of trustees to modify or
16 correct the member's prior service certificate, and upon such
17 request or of its own motion the board may correct the
18 certificate. When any firefighter ceases to be a member his or
19 her prior service certificate shall become void. Should he or
20 she again become a member, he or she shall enter the retirement
21 system as a member not entitled to prior service credit except as
22 provided in section 87.215.

23 5. Creditable service at retirement on which the retirement
24 allowance of a member shall be based shall consist of creditable
25 membership service rendered by him or her, and also if the member
26 has a prior service certificate which is in full force and
27 effect, the amount of the service certified on the member's prior
28 service certificate. Service rendered by a firefighter after the
29 operative date and prior to becoming a member shall be included

1 as creditable membership service provided the service was
2 rendered since he or she last became a firefighter.

3 6. The retirement system, with the approval of the board of
4 trustees, may enter into cooperative agreements to transfer
5 creditable service between the retirement system and any other
6 retirement plan established by the state of Missouri or any
7 political subdivision or instrumentality of the state when a
8 member who has been employed in a position covered by one plan is
9 employed in a position covered by another plan. The transfer of
10 creditable service shall be in accordance with the provisions of
11 section 105.691 and the policies and procedures established by
12 the board of trustees."; and

13 Further amend said bill, Page 83, Section 513.653, Line 18
14 of said page, by inserting immediately after said line the
15 following:

16 "559.600. 1. In cases where the board of probation and
17 parole is not required under section 217.750 to provide probation
18 supervision and rehabilitation services for misdemeanor
19 offenders, the circuit and associate circuit judges in a circuit
20 may contract with one or more private entities or other
21 court-approved entity to provide such services. The
22 court-approved entity, including private or other entities, shall
23 act as a misdemeanor probation office in that circuit and shall,
24 pursuant to the terms of the contract, supervise persons placed
25 on probation by the judges for class A, B, C, and D misdemeanor
26 offenses, specifically including persons placed on probation for
27 violations of section 577.023. Nothing in sections 559.600 to
28 559.615 shall be construed to prohibit the board of probation and
29 parole, or the court, from supervising misdemeanor offenders in a

1 circuit where the judges have entered into a contract with a
2 probation entity.

3 2. In all cases, the entity providing such private
4 probation service shall utilize the cutoff concentrations
5 utilized by the department of corrections with regard to drug and
6 alcohol screening for clients assigned to such entity. A drug
7 test is positive if drug presence is at or above the cutoff
8 concentration or negative if no drug is detected or if drug
9 presence is below the cutoff concentration.

10 3. In all cases, the entity providing such private
11 probation service shall not require the clients assigned to such
12 entity to travel in excess of fifty miles in order to attend
13 their regular probation meetings."; and

14 Further amend said bill, Page 106, Section 595.220, Lines
15 15-16 of said page, by striking the words "written or"; and

16 Further amend said bill and section, page 108, line 16 of
17 said page, by inserting immediately after "victim" the following:
18 ", or his or her designee,"; and

19 Further amend said bill and section, page 109, line 4 of
20 said page, by striking the words "written or"; and further amend
21 line 5 of said page, by inserting immediately after "victim" the
22 following: ", or his or her designee,"; and

23 Further amend said bill and section, page 110, line 3 of
24 said page, by inserting immediately after "victim" the following:
25 ", or his or her designee,"; and further amend line 7 of said
26 page, by inserting immediately after "victim" the following: ",
27 or his or her designee,"; and further amend line 10 of said page,
28 by inserting after "9." the following: "The attorney general
29 shall establish protocols and an electronic platform to implement

1 an electronic evidence tracking system that:

2 (1) Identifies, documents, records, and tracks evidentiary
3 collection kits and their components, including individual
4 specimen containers, through their existence from forensic
5 examination, to possession by a law enforcement agency, to
6 testing, to use as evidence in criminal proceedings, and until
7 disposition of such proceedings;

8 (2) Assigns a unique alphanumeric identifier to each
9 respective evidentiary collection kit, and all its respective
10 components, and to each respective person, or his or her
11 designees, who may handle an evidentiary test kit;

12 (3) Links the identifiers of an evidentiary collection kit
13 and its components, which shall be machine-readable indicia;

14 (4) Allows each person, or his or her designees, who is
15 properly credentialed to handle an evidentiary test kit to check
16 the status of an evidentiary test kit or its components and to
17 save a portfolio of identifiers so that the person, or his or her
18 designees may track, obtain reports, and receive updates of the
19 status of evidentiary collection kits or their components; and

20 (5) Allows sexual assault victims or their designees access
21 in order to monitor the current status of their evidentiary test
22 kit.

23 10."; and further amend line 22 of said page, by inserting
24 after all of said line the following:

25 "610.140. 1. Notwithstanding any other provision of law
26 and subject to the provisions of this section, any person may
27 apply to any court in which such person was charged or found
28 guilty of any offenses, violations, or infractions for an order
29 to expunge records of such arrest, plea, trial, or conviction.

1 Subject to the limitations of subsection 12 of this section, a
2 person may apply to have one or more offenses, violations, or
3 infractions expunged if such offense, violation, or infraction
4 occurred within the state of Missouri and was prosecuted under
5 the jurisdiction of a Missouri municipal, associate circuit, or
6 circuit court, so long as such person lists all the offenses,
7 violations, and infractions he or she is seeking to have expunged
8 in the petition and so long as all such offenses, violations, and
9 infractions are not excluded under subsection 2 of this section.
10 If the offenses, violations, or infractions were charged as
11 counts in the same indictment or information or were committed as
12 part of the same course of criminal conduct, the person may
13 include all the related offenses, violations, and infractions in
14 the petition, regardless of the limits of subsection 12 of this
15 section, and the petition shall only count as a petition for
16 expungement of the highest level violation or offense contained
17 in the petition for the purpose of determining future eligibility
18 for expungement.

19 2. The following offenses, violations, and infractions
20 shall not be eligible for expungement under this section:

21 (1) Any class A felony offense;

22 (2) Any dangerous felony as that term is defined in section
23 556.061;

24 (3) Any offense that requires registration as a sex
25 offender;

26 (4) Any felony offense where death is an element of the
27 offense;

28 (5) Any felony offense of assault; misdemeanor or felony
29 offense of domestic assault; or felony offense of kidnapping;

1 (6) Any offense listed, or previously listed, in chapter
2 566 or section 105.454, 105.478, 115.631, 130.028, 188.030,
3 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991,
4 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086,
5 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093,
6 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060,
7 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040,
8 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100,
9 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180,
10 570.223, 570.224, 570.310, 571.020, [571.030,] 571.060, 571.063,
11 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120,
12 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159,
13 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350,
14 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or
15 632.520;

16 (7) Any offense eligible for expungement under section
17 577.054 or 610.130;

18 (8) Any intoxication-related traffic or boating offense as
19 defined in section 577.001, or any offense of operating an
20 aircraft with an excessive blood alcohol content or while in an
21 intoxicated condition;

22 (9) Any ordinance violation that is the substantial
23 equivalent of any offense that is not eligible for expungement
24 under this section; [and]

25 (10) Any [violations] violation of any state law or county
26 or municipal ordinance regulating the operation of motor vehicles
27 when committed by an individual who has been issued a commercial
28 driver's license or is required to possess a commercial driver's
29 license issued by this state or any other state; and

1 (11) Any offense of section 571.030, except any offense
2 under subdivision (1) of subsection 1 of section 571.030 where
3 the person was convicted or found guilty prior to January 1,
4 2017.

5 3. The petition shall name as defendants all law
6 enforcement agencies, courts, prosecuting or circuit attorneys,
7 municipal prosecuting attorneys, central state repositories of
8 criminal records, or others who the petitioner has reason to
9 believe may possess the records subject to expungement for each
10 of the offenses, violations, and infractions listed in the
11 petition. The court's order of expungement shall not affect any
12 person or entity not named as a defendant in the action.

13 4. The petition shall include the following information:

14 (1) The petitioner's:

15 (a) Full name;

16 (b) Sex;

17 (c) Race;

18 (d) Driver's license number, if applicable; and

19 (e) Current address;

20 (2) Each offense, violation, or infraction for which the
21 petitioner is requesting expungement;

22 (3) The approximate date the petitioner was charged for
23 each offense, violation, or infraction; and

24 (4) The name of the county where the petitioner was charged
25 for each offense, violation, or infraction and if any of the
26 offenses, violations, or infractions occurred in a municipality,
27 the name of the municipality for each offense, violation, or
28 infraction; and

29 (5) The case number and name of the court for each offense.

1 5. The clerk of the court shall give notice of the filing
2 of the petition to the office of the prosecuting attorney,
3 circuit attorney, or municipal prosecuting attorney that
4 prosecuted the offenses, violations, or infractions listed in the
5 petition. If the prosecuting attorney, circuit attorney, or
6 municipal prosecuting attorney objects to the petition for
7 expungement, he or she shall do so in writing within thirty days
8 after receipt of service. Unless otherwise agreed upon by the
9 parties, the court shall hold a hearing within sixty days after
10 any written objection is filed, giving reasonable notice of the
11 hearing to the petitioner. If no objection has been filed within
12 thirty days after receipt of service, the court may set a hearing
13 on the matter and shall give reasonable notice of the hearing to
14 each entity named in the petition. At any hearing, the court may
15 accept evidence and hear testimony on, and may consider, the
16 following criteria for each of the offenses, violations, or
17 infractions listed in the petition for expungement:

18 (1) It has been at least seven years if the offense is a
19 felony, or at least three years if the offense is a misdemeanor,
20 municipal offense, or infraction, from the date the petitioner
21 completed any authorized disposition imposed under section
22 557.011 for each offense, violation, or infraction listed in the
23 petition;

24 (2) The person has not been found guilty of any other
25 misdemeanor or felony, not including violations of the traffic
26 regulations provided under chapters 304 and 307, during the time
27 period specified for the underlying offense, violation, or
28 infraction in subdivision (1) of this subsection;

29 (3) The person has satisfied all obligations relating to

1 any such disposition, including the payment of any fines or
2 restitution;

3 (4) The person does not have charges pending;

4 (5) The petitioner's habits and conduct demonstrate that
5 the petitioner is not a threat to the public safety of the state;
6 and

7 (6) The expungement is consistent with the public welfare
8 and the interests of justice warrant the expungement.

9
10 A pleading by the petitioner that such petitioner meets the
11 requirements of subdivisions (5) and (6) of this subsection shall
12 create a rebuttable presumption that the expungement is warranted
13 so long as the criteria contained in subdivisions (1) to (4) of
14 this subsection are otherwise satisfied. The burden shall shift
15 to the prosecuting attorney, circuit attorney, or municipal
16 prosecuting attorney to rebut the presumption. A victim of an
17 offense, violation, or infraction listed in the petition shall
18 have an opportunity to be heard at any hearing held under this
19 section, and the court may make a determination based solely on
20 such victim's testimony.

21 6. A petition to expunge records related to an arrest for
22 an eligible offense, violation, or infraction may be made in
23 accordance with the provisions of this section to a court of
24 competent jurisdiction in the county where the petitioner was
25 arrested no earlier than three years from the date of arrest;
26 provided that, during such time, the petitioner has not been
27 charged and the petitioner has not been found guilty of any
28 misdemeanor or felony offense.

29 7. If the court determines that such person meets all the

1 criteria set forth in subsection 5 of this section for each of
2 the offenses, violations, or infractions listed in the petition
3 for expungement, the court shall enter an order of expungement.
4 In all cases under this section, the court shall issue an order
5 of expungement or dismissal within six months of the filing of
6 the petition. A copy of the order of expungement shall be
7 provided to the petitioner and each entity possessing records
8 subject to the order, and, upon receipt of the order, each entity
9 shall close any record in its possession relating to any offense,
10 violation, or infraction listed in the petition, in the manner
11 established by section 610.120. The records and files maintained
12 in any administrative or court proceeding in a municipal,
13 associate, or circuit court for any offense, infraction, or
14 violation ordered expunged under this section shall be
15 confidential and only available to the parties or by order of the
16 court for good cause shown. The central repository shall request
17 the Federal Bureau of Investigation to expunge the records from
18 its files.

19 8. The order shall not limit any of the petitioner's rights
20 that were restricted as a collateral consequence of such person's
21 criminal record, and such rights shall be restored upon issuance
22 of the order of expungement. Except as otherwise provided under
23 this section, the effect of such order shall be to restore such
24 person to the status he or she occupied prior to such arrests,
25 pleas, trials, or convictions as if such events had never taken
26 place. No person as to whom such order has been entered shall be
27 held thereafter under any provision of law to be guilty of
28 perjury or otherwise giving a false statement by reason of his or
29 her failure to recite or acknowledge such arrests, pleas, trials,

1 convictions, or expungement in response to an inquiry made of him
2 or her and no such inquiry shall be made for information relating
3 to an expungement, except the petitioner shall disclose the
4 expunged offense, violation, or infraction to any court when
5 asked or upon being charged with any subsequent offense,
6 violation, or infraction. The expunged offense, violation, or
7 infraction may be considered a prior offense in determining a
8 sentence to be imposed for any subsequent offense that the person
9 is found guilty of committing.

10 9. Notwithstanding the provisions of subsection 8 of this
11 section to the contrary, a person granted an expungement shall
12 disclose any expunged offense, violation, or infraction when the
13 disclosure of such information is necessary to complete any
14 application for:

15 (1) A license, certificate, or permit issued by this state
16 to practice such individual's profession;

17 (2) Any license issued under chapter 313 or permit issued
18 under chapter 571;

19 (3) Paid or unpaid employment with an entity licensed under
20 chapter 313, any state-operated lottery, or any emergency
21 services provider, including any law enforcement agency;

22 (4) Employment with any federally insured bank or savings
23 institution or credit union or an affiliate of such institution
24 or credit union for the purposes of compliance with 12 U.S.C.
25 Section 1829 and 12 U.S.C. Section 1785;

26 (5) Employment with any entity engaged in the business of
27 insurance or any insurer for the purpose of complying with 18
28 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law
29 which requires an employer engaged in the business of insurance

1 to exclude applicants with certain criminal convictions from
2 employment; or

3 (6) Employment with any employer that is required to
4 exclude applicants with certain criminal convictions from
5 employment due to federal or state law, including corresponding
6 rules and regulations.

7
8 An employer shall notify an applicant of the requirements under
9 subdivisions (4) to (6) of this subsection. Notwithstanding any
10 provision of law to the contrary, an expunged offense, violation,
11 or infraction shall not be grounds for automatic disqualification
12 of an applicant, but may be a factor for denying employment, or a
13 professional license, certificate, or permit; except that, an
14 offense, violation, or infraction expunged under the provisions
15 of this section may be grounds for automatic disqualification if
16 the application is for employment under subdivisions (4) to (6)
17 of this subsection.

18 10. A person who has been granted an expungement of records
19 pertaining to a misdemeanor or felony offense, an ordinance
20 violation, or an infraction may answer "no" to an employer's
21 inquiry into whether the person has ever been convicted of a
22 crime if, after the granting of the expungement, the person has
23 no public record of a misdemeanor or felony offense, an ordinance
24 violation, or an infraction. The person, however, shall answer
25 such an inquiry affirmatively and disclose his or her criminal
26 convictions, including any offense or violation expunged under
27 this section or similar law, if the employer is required to
28 exclude applicants with certain criminal convictions from
29 employment due to federal or state law, including corresponding

1 rules and regulations.

2 11. If the court determines that the petitioner has not met
3 the criteria for any of the offenses, violations, or infractions
4 listed in the petition for expungement or the petitioner has
5 knowingly provided false information in the petition, the court
6 shall enter an order dismissing the petition. Any person whose
7 petition for expungement has been dismissed by the court for
8 failure to meet the criteria set forth in subsection 5 of this
9 section may not refile another petition until a year has passed
10 since the date of filing for the previous petition.

11 12. A person may be granted more than one expungement under
12 this section provided that during his or her lifetime, the total
13 number of offenses, violations, or infractions for which orders
14 of expungement are granted to the person shall not exceed the
15 following limits:

16 (1) Not more than two misdemeanor offenses or ordinance
17 violations that have an authorized term of imprisonment; and

18 (2) Not more than one felony offense.

19
20 A person may be granted expungement under this section for any
21 number of infractions. Nothing in this section shall prevent the
22 court from maintaining records to ensure that an individual has
23 not exceeded the limitations of this subsection. Nothing in this
24 section shall be construed to limit or impair in any way the
25 subsequent use of any record expunged under this section of any
26 arrests or findings of guilt by a law enforcement agency,
27 criminal justice agency, prosecuting attorney, circuit attorney,
28 or municipal prosecuting attorney, including its use as a prior
29 offense, violation, or infraction.

1 13. The court shall make available a form for pro se
2 petitioners seeking expungement, which shall include the
3 following statement: "I declare under penalty of perjury that
4 the statements made herein are true and correct to the best of my
5 knowledge, information, and belief."

6 14. Nothing in this section shall be construed to limit or
7 restrict the availability of expungement to any person under any
8 other law."; and

9 Further amend the title and enacting clause accordingly.