

SENATE BILL NO. 1087

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

5352S.01I

ADRIANE D. CROUSE, Secretary

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
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 or attempted
10 offense that would subject a person to the sex offender
11 registry under sections 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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