

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 754, 746, 788, 765, 841, 887 & 861

AN ACT

To repeal sections 211.071, 217.345, 217.690, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 600.042, and 610.140, RSMo, and to enact in lieu thereof fifteen new sections relating to public safety, with penalty provisions.

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

Section A. Sections 211.071, 217.345, 217.690, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 600.042, and 610.140, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 211.071, 211.600, 217.345, 217.690, 547.500, 571.031, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 600.042, and 610.140, to read as follows:

211.071. 1. If a petition alleges that a child between the ages of ~~twelve~~ fourteen and eighteen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that ~~any~~ a child between the ages of twelve and eighteen has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060

as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023, distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or the manufacturing of a controlled substance under section 579.055, a dangerous felony as defined in section 556.061, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between eighteen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt

with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his or her home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his or her counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.600. 1. The office of state courts administrator shall collect information related to the filing and disposition of petitions to certify juveniles pursuant to section 211.071.

2. The data collected pursuant to this section shall include the following:

(1) The number of certification petitions filed annually;

(2) The disposition of certification petitions filed annually;

(3) The offenses for which certification petitions are filed annually;

(4) The race of the juveniles for whom the certification petitions are filed annually; and

(5) The number of juveniles who have waived their right to counsel.

3. The data collected pursuant to this section shall be made publicly available annually.

217.345. 1. Correctional treatment programs for first offenders and offenders eighteen years of age or younger in the department shall be established, subject to the control and supervision of the director, and shall include such programs deemed necessary and sufficient for the successful rehabilitation of offenders.

2. [Correctional treatment programs for offenders who are younger than eighteen years of age shall be established, subject to the control and supervision of the director. By January 1, 1998, such] Programs established pursuant to this section shall include physical separation of offenders who are younger than eighteen years of age from offenders who are eighteen years of age or older and shall include educational programs that award a high school diploma or its equivalent.

3. The department shall have the authority to promulgate rules pursuant to subsection 2 of section 217.378 to establish correctional treatment programs for offenders under age eighteen. Such rules may include:

(1) Establishing separate housing units for such offenders; and

(2) Providing housing and program space in existing housing units for such offenders that is not accessible to adult offenders.

4. The department shall have the authority to determine the number of juvenile offenders participating in any treatment program depending on available appropriations. The department may contract with any private or public entity for the provision of services and facilities for offenders under age eighteen. The department shall apply for and accept available federal, state and local public funds including project demonstration funds as well as private moneys to fund such services and facilities.

5. The department shall develop and implement an evaluation process for all juvenile offender programs.

217.690. 1. All releases or paroles shall issue upon order of the parole board, duly adopted.

2. Before ordering the parole of any offender, the parole board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the parole board. The parole board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him or her, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the parole board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall

remain in the legal custody of the department but shall be subject to the orders of the parole board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the division of probation and parole to assist offenders to successfully complete probation, parole, or conditional release. The division of probation and parole shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The parole board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for

parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under eighteen years of age at the time of the commission of the offense or offenses may be eligible for parole after serving fifteen years of incarceration, regardless of whether the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations promulgated by the parole board.

7. The provisions of subsection 6 of this section shall not apply to an offender found guilty of [murder in the first degree or] capital murder, murder in the first degree or murder in the second degree, when murder in the second degree is committed pursuant to subdivision (1) of subsection 1 of section 565.021, who was under eighteen years of age when the offender committed the offense or offenses who may be found ineligible for parole or whose parole eligibility may be controlled by section 558.047 or 565.033.

8. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

9. A victim who has requested an opportunity to be heard shall receive notice that the parole board is conducting an assessment of the offender's risk and

readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

10. Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a parole board member at the parole board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The parole board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

11. The parole board shall notify any person of the results of a parole eligibility hearing if the person indicates to the parole board a desire to be notified.

12. The parole board may, at its discretion, require any offender seeking parole to meet certain conditions

during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

13. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The parole board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. Parole board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.

14. Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

15. Beginning January 1, 2001, the parole board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the parole board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the parole board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

16. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the

provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

547.500. 1. The Missouri office of prosecution services may establish a conviction review unit to investigate claims of actual innocence of any defendant including those who plead guilty.

2. The Missouri office of prosecution services shall have the power to promulgate rules and regulations to receive and investigate claims of actual innocence.

3. The Missouri office of prosecution services shall create an application process that at a minimum shall include that:

(1) Any application for review of a claim of actual innocence shall not have any excessive fees and fees shall be waived in cases of indigence;

(2) No application shall be accepted if there is any pending motion, writ, appeal, or other matter pending regarding the defendant's conviction. Any application filed shall be considered a pleading under the Missouri rules of civil procedure and all attorneys shall comply with supreme court rule 55.03 when signing the application and the application shall be sworn and signed under penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed under penalty of perjury; and

(3) Any review and investigation shall be based on newly discovered and reliable evidence of actual innocence not presented at a trial. Such newly discovered and

reliable evidence shall establish by clear and convincing evidence the actual innocence of the defendant.

4. The conviction review unit shall consist of two attorneys, hired by the executive director of the Missouri office of prosecution services, who have extensive experience prosecuting and defending criminal matters, an investigator, a paralegal, and such administrative staff as is needed to efficiently and effectively process all applications and claims. The executive director of the Missouri office of prosecution services shall coordinate the activities and budget of the conviction review unit and act as an ex officio member of the unit.

5. Once the review is complete, the conviction review unit shall present its findings and recommendations to:

(1) The office of the prosecuting attorney or circuit attorney who prosecuted the defendant's case; the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted the case; or

(2) If the review was requested by a prosecuting attorney's office, the circuit attorney's office, attorney general, or special prosecutor, the findings and recommendation shall be presented to the office which requested the review.

6. The circuit attorney, prosecuting attorney of any county, special prosecutor, attorney general's office if it prosecuted the case, Missouri office of prosecution services, or other prosecutor who prosecuted the case is not required to accept or follow the findings and recommendations of the conviction review unit.

7. (1) The application, investigation, reports, interviews, findings, and recommendations, and any documents, written, electronic or otherwise, received or generated by the conviction review unit are closed records.

(2) The conviction review unit's findings and recommendations submitted to the prosecuting attorney, circuit attorney, the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted the case, shall become open records after the receiving entity of the submission makes a decision not to pursue a motion under section 547.031 or, if such a motion is filed, after the finality of all proceedings under section 547.031, including appeals authorized therein.

571.031. 1. This section shall be known and may be cited as "Blair's Law".

2. A person commits the offense of unlawful discharge of a firearm if he or she recklessly discharges a firearm within or into the limits of any municipality.

3. This section shall not apply if the firearm is discharged:

(1) As allowed by a defense of justification under chapter 563;

(2) On a shooting range that is:

(a) Indoor;

(b) Owned or operated by the state or any political subdivision;

(c) A commercial shooting range, including any range used by paying members; and

(d) Supervised by any person eighteen years of age or older;

(3) To lawfully take wildlife during an open season established by the department of conservation. Nothing in this subdivision shall prevent a municipality from adopting an ordinance restricting the discharge of a firearm within one-quarter mile of an occupied structure;

(4) For the control of nuisance wildlife as permitted by the department of conservation or the United States Fish and Wildlife Service;

(5) By special permit of the chief of police of the municipality;

(6) As required by an animal control officer in the performance of his or her duties;

(7) Using blanks;

(8) More than one mile from any occupied structure;

(9) In self-defense or defense of another person against an imminent or ongoing animal attack unless the self-defense or defense of another person is a gross deviation from the standard of care which a reasonable person would exercise in the situation to protect oneself or the other person from such animal attack and such person shall not have a duty to retreat;

(10) In defense of a domestic animal against an imminent or ongoing animal attack, unless the defense of the domestic animal is a gross deviation from the standard of care which a reasonable person would exercise in the situation to protect a domestic animal from attack; or

(11) By law enforcement personnel, as defined in section 590.1040, or a member of the United States Armed Forces if acting in an official capacity.

4. A person who commits the offense of unlawful discharge of a firearm shall be guilty of:

(1) For a first offense, a class A misdemeanor;

(2) For a second offense, a class E felony; and

(3) For a third or subsequent offense, a class D felony.

575.010. The following definitions shall apply to this chapter and chapter 576:

(1) "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;

(2) "Government" means any branch or agency of the government of this state or of any political subdivision thereof;

(3) "Highway" means any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(4) "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;

(5) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

(6) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

(7) "Law enforcement animal" means a dog, horse, or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;

(8) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

[(8) "Police animal" means a dog, horse or other animal used in law enforcement or a correctional facility,

or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;]

(9) "Public record" means any document which a public servant is required by law to keep;

(10) "Testimony" means any oral statement under oath or affirmation;

(11) "Victim" means any natural person against whom any crime is deemed to have been perpetrated or attempted;

(12) "Witness" means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

(b) Whose declaration under oath is received as evidence for any purpose; or

(c) Who has reported any crime to any peace officer or prosecutor; or

(d) Who has been served with a subpoena issued under the authority of any court of this state.

575.353. 1. This section shall be known and may be cited as "Max's Law".

2. A person commits the offense of assault on a [police] law enforcement animal if he or she knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a [police] law enforcement animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department or a rescue unit or agency.

[2.] 3. The offense of assault on a [police] law enforcement animal is a [class C misdemeanor, unless]:

(1) Class A misdemeanor, if the law enforcement animal is not injured to the point of requiring veterinary care or treatment;

(2) Class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and

(3) Class D felony if the assault results in the death of such animal [or disables such animal to the extent it is unable to be utilized as a police animal, in which case it is a class E felony].

578.007. The provisions of section 574.130[,] and sections 578.005 to 578.023 shall not apply to:

(1) Care or treatment performed by a licensed veterinarian within the provisions of chapter 340;

(2) Bona fide scientific experiments;

(3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and privileges as allowed under the Missouri Wildlife Code;

(4) Facilities and publicly funded zoological parks currently in compliance with the federal "Animal Welfare Act" as amended;

(5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;

(6) The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof;

(7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;

(8) With respect to farm animals, normal or accepted practices of animal husbandry;

(9) The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal, but this exemption shall not include [police or guard dogs] the killing or injuring of a law enforcement animal while working;

(10) The killing of house or garden pests; or

(11) Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of which is employed, by a law enforcement agency and that bites or injures another animal or human in the course of their official duties is exempt from the provisions of sections 273.033 [and], 273.036 [and section], 578.012, and 578.024.

579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

(1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) [More than eight grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

[(4)] More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

[(5)] (4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

[(6)] (5) More than four grams of phencyclidine;

[(7)] (6) More than thirty kilograms of a mixture or substance containing marijuana;

[(8)] (7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

[(9)] (8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

[(10)] (9) One gram or more of flunitrazepam for the first offense;

[(11)] (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

[(12)] (11) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) [Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4)] One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

[(5)] (4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

[(6)] (5) Twelve grams or more of phencyclidine; or

[(7)] (6) One hundred kilograms or more of a mixture or substance containing marijuana; or

[(8)] (7) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

[(9)] (8) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

[(10)] (9) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

[(11)] (10) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place

where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

[(12)] (11) One gram or more of flunitrazepam for a second or subsequent offense; or

[(13)] (12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or

[(14)] (13) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

579.068. 1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state:

(1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) [More than eight grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4)] More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

[(5)] (4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

[(6)] (5) More than four grams of phencyclidine;

[(7)] (6) More than thirty kilograms of a mixture or substance containing marijuana;

[(8)] (7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

[(9)] (8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

[(10)] (9) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the second degree is a class C felony.

3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its

derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) [Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4)] One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

[(5)] (4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

[(6)] (5) Twelve grams or more of phencyclidine; or

[(7)] (6) One hundred kilograms or more of a mixture or substance containing marijuana; or

[(8)] (7) More than five hundred marijuana plants; or

[(9)] (8) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

[(10)] (9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

[(11)] (10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:

(1) Any quantity of the following substances having a stimulant effect on the central nervous system:

amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.

5. The offense of drug trafficking in the second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam.

590.192. 1. There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers and firefighters to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers and firefighters affected by a critical incident. For purposes of this section, a "critical incident" shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

2. All peace officers and firefighters shall be required to meet with a program service provider once every

three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer or firefighter's fire protection district director that he or she completed such check-in.

3. Any information disclosed by a peace officer or firefighter shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer or firefighter unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure; or

(3) The person receiving services discloses information that is required to be reported under mandatory reporting laws.

4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers and firefighters to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers or firefighters affected by a critical incident. The director

of public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October

fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent

with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the [state general revenue] public defender - federal and other fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the

discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the "Public Defender - Federal and Other Fund", which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund.

610.140. 1. For the purposes of this section, the following terms mean:

(1) "Court", any Missouri municipal, associate circuit, or circuit court;

(2) "Crime", any offense, violation, or infraction of Missouri state, county, municipal, or administrative law;

(3) "Prosecutor" or "prosecuting attorney", the prosecuting attorney, circuit attorney, or municipal prosecuting attorney;

(4) "Same course of criminal conduct", crimes which:

(a) Are charged as counts in the same indictment or information; or

(b) Occur within a time period suggesting a common connection between the offenses, not to exceed one year.

2. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any [offenses, violations, or infractions] crimes for an order to expunge records of such arrest, plea, trial, or conviction.

(1) Subject to the limitations of subsection [12] 13 of this section, a person may apply to have one or more [offenses, violations, or infractions] crimes expunged if each such [offense, violation, or infraction] crime occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri [municipal, associate circuit, or circuit] court, so long as such person lists all the [offenses, violations, and infractions] crimes he or she is seeking to have expunged in the petition and so long as all such [offenses, violations, and infractions] crimes are not excluded under subsection [2] 3 of this section.

(2) If the [offenses, violations, or infractions were charged as counts in the same indictment or information or] crimes sought to be expunged were committed as part of the same course of criminal conduct, the person may include all [the] such related [offenses, violations, and infractions] crimes in the petition, regardless of the limits of subsection [12] 13 of this section, and [the petition] those related crimes shall only count as [a petition for expungement of] the highest level [violation or offense contained in the petition] for the purpose of determining current and future eligibility for expungement.

[2.] 3. The following [offenses, violations, and infractions] crimes shall not be eligible for expungement under this section:

- (1) Any class A felony offense;

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

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

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

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

(6) Any offense listed, [or] previously listed, or is a successor to an offense in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, [217.360,] 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, [565.084, 565.085, 565.086, 565.095,] 565.120, 565.130, 565.156, [565.200, 565.214,] 566.093, 566.111, 566.115, 566.116, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, [568.080, 568.090,] 568.175, [569.030, 569.035,] 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, [570.090,] 570.180, 570.223, 570.224, [570.310,] 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 573.200, 573.205, 574.070, 574.105, 574.115, 574.120, 574.130, 574.140, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, [575.350,] 575.353, 577.078, 577.703, 577.706, [578.008, 578.305, 578.310,] or 632.520;

(7) Any offense eligible for expungement under section [577.054 or] 610.130;

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

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;

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

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

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

[4.] 5. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

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

(e) Current address;

(2) Each **[offense, violation, or infraction]** crime for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each [offense, violation, or infraction] crime; and

(4) The name of the county where the petitioner was charged for each [offense, violation, or infraction] crime and if any of the [offenses, violations, or infractions] crimes occurred in a municipality, the name of the municipality for each [offense, violation, or infraction] crime; and

(5) The case number and name of the court for each [offense] crime.

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

(1) At the time the petition is filed, it has been at least three years if the offense is a felony, or at least one year if the offense is a misdemeanor, municipal [offense] violation, or infraction, from the date the

petitioner completed any authorized disposition imposed under section 557.011 for each [offense, violation, or infraction] crime listed in the petition;

(2) At the time the petition is filed, the person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 301, 302, 303, 304, and 307, during the time period specified for the underlying [offense, violation, or infraction] crime in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

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

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

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney[,] or circuit attorney[, or municipal prosecuting attorney] to rebut the presumption. A victim of [an offense, violation, or infraction] a crime listed in the petition shall have an opportunity to be heard at any hearing held under this section[, and the court may make a determination based solely on such victim's testimony]. A court may find that the continuing impact of the offense upon the victim rebuts the presumption that expungement is warranted.

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

[7.] 8. If the court determines that such person meets all the criteria set forth in subsection [5] 6 of this section for each of the [offenses, violations, or infractions] crimes listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any [offense, violation, or infraction] crime listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any [offense, infraction, or violation] crime ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

[8.] 9. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such

rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to fully restore the civil rights of such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. This includes fully restoring the civil rights of a person to the right to vote, the right to hold public office, and to serve as a juror. For purposes of 18 U.S.C. Section 921(a)(33)(B)(ii), an order [or] of expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged [offense, violation, or infraction] crime to any court when asked or upon being charged with any subsequent [offense, violation, or infraction] crime. The expunged [offense, violation, or infraction] crime may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

[9.] 10. Notwithstanding the provisions of subsection [8] 9 of this section to the contrary, a person granted an expungement shall disclose any expunged [offense, violation,

or infraction] crime when the disclosure of such information is necessary to complete any application for:

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

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

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

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

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

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

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection.

Notwithstanding any provision of law to the contrary, an expunged [offense, violation, or infraction] crime shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, [an offense, violation, or infraction] a crime expunged under the provisions of this section may be grounds for

automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

[10.] 11. A person who has been granted an expungement of records pertaining to a [misdemeanor or felony offense, an ordinance violation, or an infraction] crime may answer "no" to an employer's inquiry into whether the person has ever been arrested, charged, or convicted of a crime if, after the granting of the expungement, the person has no public record of a [misdemeanor or felony offense, an ordinance violation, or an infraction] crime. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense [or violation] expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

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

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

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

(2) Not more than [one] two felony [offense] offenses.

A person may be granted expungement under this section for any number of infractions. [Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection] A person may not be granted more than one expungement under subdivision (3) of subsection 2 of this section. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney[,], or circuit attorney[, or municipal prosecuting attorney], including its use as a prior [offense, violation, or infraction] crime.

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

[14.] 15. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.