

New Missouri law regarding the expungement of criminal records



JEFFERSON CITY, Mo. (KY3) - A provision contained within [a larger criminal justice reform omnibus package](#) is set to take effect Wednesday, which will update Missouri laws regarding the expungement of criminal records.

The provision, drafted by state Sen. Brian Williams, D-St. Louis and sponsored by Sen. Tony Tony Luetkemeyer, R-Parkville, makes several changes to state policy, including a repeal of the state law requiring a court to make a determination at an expungement hearing based solely on a victim's testimony.

The new law provides judges much more discretion, allowing a court to weigh the "continuing impact" of the crime against the presumption that the expungement is warranted.

Notably, the new law will also automatically make eligible for expungement all those with qualifying records, streamlining a once, laborious and bureaucratic process.

Participating in many aspects of society remains out of reach for many citizens with prior criminal convictions, as the stigma associated with breaking the law is still extremely potent.

“It’s hard to get past that, and sometimes you never will get past it,” said Jessica Chambers, program manager for the [Re-entry Opportunity Center in Columbia](#).

“There are so many people that are judging people and thinking that change is not possible, but change is definitely possible, and that’s exactly what we’re here to show the individuals that we serve, that you can do it, that there is a better way.”

There are certain serious crimes for which the state does not consider expungement in any circumstance – such as homicides, kidnappings, DWIs and more. The provision taking effect Wednesday adds sexual conduct with a nursing facility resident in the second degree, use of a child in sexual performance, promoting a sexual performance of a child, and cross burning.

Under the new law, Missourians will only have to wait 18 months from the date of their arrest before petitioning to have their misdemeanor record expunged, a reduction from the current 3-year time period. Likewise, felony convictions will be open to expungement after only 3 years, down from 7.

“A criminal record, even for non-violent offenses, makes it hard for these individuals to find a good job, and without a good job, everything gets harder, housing, supporting a family, and, most importantly, staying healthy,” said Williams. “This legislation is not a ‘Get Out of Jail Free’ card, but rather a second chance for those who have avoided repeating past mistakes and they want to be productive members of our society, and I think it’s going to be a great thing for the future of Missouri.”

The Provision also requires that once expunged, the convict has to be fully restored to the status he or she was before the “arrests, pleas, trials, or convictions were expunged.” Notably, job applicants will be able to answer “no” to an employer’s inquiry about any arrests, charges, or convictions of a crime.

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