

Understanding Missouri Expungement Law



This article was updated to reflect changes in the law, which took effect Aug. 28, 2021.

Individuals who committed certain crimes may have those offenses sealed under [Missouri's expungement law](#), lifting a huge stress off their shoulders and opening the door to potential opportunities.

Expungement is when the court seals a criminal record. An expunged record is not publicly accessible and would require a court order to reopen the record. Individuals who have had crimes expunged do not have to disclose those crimes except in specific instances outlined in [§610.140 RSMo](#).

More than 1,900 offenses qualify for expungement, after the Missouri Legislature passed updates over the last five years. In 2016, the Missouri Legislature passed [Senate Bill 588](#) - which went into effect in January 2018 - that significantly expanded the list of crimes that could be expunged, as well as offered additional crimes that could not be expunged. The law has since been updated a couple of times, including most recently through [SBs 53 and 60](#), which took effect on Aug. 28, 2021.

In general, crimes that are ineligible for expungement included class A felonies; offenses that require individuals to register as sex offenders; felony offenses where death was part of the offense; felony assault offenses; misdemeanor or felony offenses for domestic assault; and felony conviction for kidnapping. There are other crimes that do not fall under these categories that are also ineligible for expungement. The list of crimes that cannot be expunged are outlined in [§610.140.2 RSMo](#).

Before someone can file for an expungement, the individual must have paid off his or her fine, completed his or her probation or parole, and have a three-year clean date to be eligible for a felony offense expungement or have a one-year wait to be eligible for a misdemeanor offense, municipal offense, or infraction expungement, under Missouri Law.

To expunge a crime, an individual must file a petition in the court in the county where the individual was charged or found guilty of any offenses, according to §610.140 RSMo. [Click here](#) to download the expungement petition. There is a \$250 charge when someone files an expungement petition. The judge may waive the surcharge if the petitioner is indigent and unable to pay the cost.

In that petition, the individual must name as defendants any entities the petitioner believes may have records regarding the offenses, violations, and infractions outlined in the petition. Once those individuals have been served, §610.140 RSMo states the court “may accept evidence and hear testimony on, and may consider” criteria regarding each listed offense, violation, or infraction. [Click here](#) for the list of evidence that may be heard in an expungement court hearing.

Defendants have 30 days after being served the petition to file objections to the expungement petition, and a court must hold a hearing within 60 days after the filed objection or 30 days after defendants have been served and there were no objections made.

If the court rules to expunge a conviction, the petitioner can maintain that he or she has not been convicted of the crime that was expunged. However, the “person granted an expungement must disclose any expunged offense when disclosing information” when filling out certain applications, which are outlined under [§610.140.9 RSMo](#).

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