



ARCHCITY  
DEFENDERS

GUIDE TO: [REDACTED]

[REDACTED] Expunging [REDACTED]

Your [REDACTED]

**CRIMINAL RECORD**

[REDACTED] in [REDACTED]

[REDACTED] Missouri [REDACTED]



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[www.ProSeSTL.org](http://www.ProSeSTL.org)

# GUIDE TO EXPUNGING YOUR CRIMINAL RECORD IN MISSOURI

ArchCity Defenders' initiatives to expunge records stems from our acknowledgement that, in many cases, criminal records are the result of an overwhelmingly punitive and anti-Black legal system that makes it near impossible for someone to obtain housing, employment, and overall stability. This 'know your rights' "Guide to Expunging Your Criminal Record in Missouri" offers people tools to represent and advocate for themselves in court. Authored by ArchCity Defenders (ACD), the Guide will help you determine whether you are eligible for an expungement. It will then walk you through where to look to get the information you will need to share with the court; how to fill out some of the forms (with suggestions on where to find the information we cannot answer); how to redact forms to comply with new court rules; how to submit the forms to the court; and/or what you need to do for your day in court.

Navigating legal issues is stressful, and we hope this Guide has a direct, positive impact. Ultimately, we believe that we will be able to have a broader impact by raising awareness, exposing injustice, and organizing together.

This Guide is part of ACD's #ProSeSTL series. *Pro Se means for, or by oneself and in legal settings, refers to someone representing themselves.* Visit [www.prosestl.org](http://www.prosestl.org) for court forms and ACD's series of *pro se* guides:

**Guide #1:** Knowing Your Rights with the Police and Getting Out of Jail

**Guide #2:** Representing Yourself in St. Louis Municipal Courts

**Guide #3:** Representing Yourself When Facing Eviction

**Guide #4:** For Renters Finding and Moving into Housing in Missouri

**Guide #5:** Expunging Your Criminal Record in Missouri



This guide was authored, edited, and designed by ArchCity Defenders staff. We are thankful to its contributors—Lee Camp, Johnny Gabbert, Z Gorley, Jacki Langum, Kimberly Neu, Brittany Shaw, and William Waller.

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# INTRODUCTION

## How Did We Get Here?

ArchCity Defenders receives a lot of inquiries from people who want help removing arrests, charges, and convictions from their criminal record. We hear from people seeking expungement of those records and who found forms on the Missouri Courts' website but, understandably, have no idea how to move from printing the blank forms to getting into court. Others have reached out because they are not quite sure whether they qualify for an expungement and want some help sorting that out before they start looking for court forms. Missouri's expungement laws are not easy to follow or navigate; and there are some limitations, for example, some convictions that most impact people's lives are not eligible for expungement; and it can be tough to determine which rules apply to you. We hope this guide will help you along that journey. We do not want to discourage you from trying to expunge your own criminal record, but we do want you to know that it may take time to sort it all out.

In the past few years, ArchCity Defenders has provided outreach, education, and representation to individuals seeking to remove past convictions or arrests from their records; however, we are not able to represent everyone who applies for our legal services.

## Generally, Who Is This For?

We know it can be difficult and confusing to navigate the expungement process in Missouri. This guide is designed to help individuals better understand the eligibility criteria, process, and current status of expungement laws in Missouri. We want to make it easier to figure out whether you are eligible before you spend too much time pulling documents and records together. We also want to streamline the information to help you better advocate for yourself in court. As such, it only covers Missouri law, not federal law, or the laws of other states.

## Missouri's Expungement Laws Generally

Criminal charges, convictions, and arrest records can have a profound impact on people's lives—limiting housing opportunities, interfering with access to or keeping jobs, and overall stability. Over the past 8 years, many different groups in Missouri have worked to make it easier to close or “expunge” criminal or arrest records and, in some circumstances, destroy those records. At the same time, there are still many arrests and offenses that are not eligible for expungement and there are legislative changes that need to be made to match Missouri's expungement laws with those of nearby states.

In November 2022, voters passed Amendment 3 to decriminalize marijuana in Missouri and to expunge some older marijuana-related offenses. On December 8, 2022, Amendment 3 went into effect as Article 14, Section 2 of the Missouri Constitution. Throughout this guide, we will refer to this as Amendment 3/Article 14 to make it clear that this is what we are referencing.

Expungements are filed in accordance with Missouri state laws. While there are different laws that pertain to different types of expungements, the most commonly used expungement statutes are RSMo. § 610.122 and RSMo. § 610.140. We will share a lot more information about them in this guide. There are other Missouri laws that apply to expunging specific types of criminal records or if your identity was stolen. Each of these laws about expungement has specific criteria, forms, and steps to follow, and we will cover them in this guide as well.



You may already be wondering what **RSMo. §** means as it was used above. It is a citation or abbreviation used for sections of Missouri state **statutes**. You can access the statutes on the following website: <https://revisor.mo.gov/>

# GETTING STARTED

## 16-Step Overview of the Process

We begin with a 16-step overview of the most common expungement process, followed by step by step details which make up the bulk of the guide. We begin with how to know if you're eligible for an expungement, what type of expungement you are seeking (which Missouri law pertains to it), what are the right forms, tips on filling them out, all the way to filing paperwork with the court. We also include information pertaining to marijuana and other types of expungements.

You will want to gather any information you already have in your records about any arrests, charges, or criminal convictions. However, you will want to wait before you gather additional information beyond what you already have because there are potential sources of that information you will want to contact after you read through the steps in this guide.

### STEP 1: Are You Eligible?

### STEP 2: Expungement Type?

### STEP 3: Search For Your Records

### STEP 4: Review Your Records

### STEP 5: Find the Right Court Forms

### STEP 6: Additional Form Needed for Your Petition

### STEP 7: Draft Your Petition

### STEP 8: Filing Fee or Complete a Fee Waiver

### STEP 9: Redaction

### STEP 10: Obtain a Fingerprint Card

### STEP 11: Gather and Prepare Your Documents to File

### STEP 12: File Your Petition

### STEP 13: Serve Your Petition

### STEP 14: Prepare for Court

### STEP 15: Your Day in Court

### STEP 16: Follow-Up

#### Before you begin, you will need these supplies:

- **Black Pen**
- **Computer**
- **Credit or debit card to order your criminal record**
- **Printer**
- **Photocopy machine**
- **White-Out**
- **Large, thick-tipped black marker**
- **Working phone number**

# THE 16-STEPS TO EXPUNGEMENT

## STEP 1: Are You Eligible?

Here are two important definitions and explanations that will help you better understand Missouri's expungement laws as you move through this guide. There are additional definitions in a glossary at the back of this guide as well, with words denoted in the text in **bold orange**.

### What is a criminal record?

In Missouri, a **criminal record** is a detailed history of a person's interaction with law enforcement officers and the criminal legal system, including arrests, **charges**, trials, and convictions. This information is collected by the state via the Highway Patrol and stored in a Central Record Repository. **A criminal record can be created any time you have contact with police officers and the criminal legal system.** For example, when you are pulled over by a police officer and receive a traffic citation for speeding, that ticket creates a criminal record. Regardless of whether you are charged, and the resulting case is dismissed, if you are arrested for an **offense**, a criminal record of your **arrest** is created. If you are convicted of an offense or acquitted after a trial, your case records still exist until you can expunge them.

Criminal records may often be created and continue to exist quietly without you ever knowing they are there. If you think you may have a record, it is important to obtain a complete background check prior to filing a **petition** for expungement of your arrest or **conviction** records. Ways to do this are discussed later in this guide.

### What is an expungement?

**Expungement** is the court process through which items are removed from your criminal record. When some people think of expungement, they think of sealing records or destroying them as if they never existed. Unfortunately, Missouri's expungement laws do not completely seal records but instead "closes" them to the public. Expunged offenses may still have to be disclosed in certain situations, such as when applying for certain professional licenses or when applying for employment in specific industries.

Missouri expungement laws also do not destroy records, except in one instance: an arrest record expungement under RSMo. § 610.122. We will talk about who is eligible to expunge under this particular statute on the next page.

Although expungements can help in many situations, like housing or employment, they are not necessarily a fix-all

solution because of the unique nature of Missouri's process. One example is the effect of expungement on the **right to lawfully possess a firearm**. If an expungement results in you no longer having any **felony** convictions, your right to possess a firearm under **Missouri** law would be restored. However, whether this would restore your right to lawfully possess a firearm under **federal** law is currently unclear. You may still be at risk of being charged with the federal felony of unlawful possession of a firearm.



At least one federal district court has held in 2023 that Missouri expungement does restore federal gun rights (assuming there are no other felony convictions on a person's record). That case is not binding precedent and other federal courts could disagree. Regardless, even after expungement you are likely to be denied the purchase of a firearm requiring an FBI background check unless you retain an attorney to complete a specific restoration of rights process (voluntary appeal file) with the FBI. We strongly advise that you seek legal counsel if you believe your right to lawfully possess a firearm has been restored through the Missouri expungement process.

## STEP 2: Expungement Types?

The type of expungement you seek depends on your arrest, charge, plea, trial, conviction, and/or sentence. Please reference the list of arrests or charges below and turn to the listed page number to determine your eligibility for that type of expungement.

- Marijuana: Turn to page 21.
- Alcohol-Related Driving/Boating Offenses: Turn to page 25.
- Criminal Non-Support: Turn to page 26.
- Minor in Possession of Alcohol: Turn to page 26.
- Prostitution Charges When You Were Under 18 at the Time of the Offense: Turn to page 25.
- Mistaken or Stolen Identity: Turn to page 7.

# Determining Expungement Eligibility Based on the Type of Criminal Record

## **Arrested only**

- Start with this page. If you are not eligible for that type of expungement, turn to page 6.

## **Arrested and Charged but the Charge was Dismissed**

- Start with this page. If you are not eligible for that type of expungement, turn to page 6.

## **Arrested and Charged and you entered a **Guilty Plea** – received a **Suspended Imposition of Sentence (SIS)****

- Turn to page 6.

## **Arrested and Charged and you entered a **Guilty Plea** – received a **Suspended Execution of Sentence (SES)****

- Turn to page 6.

## **Arrested and Charged and you had a **Bench or Jury Trial** and were **Found Not Guilty****

- Start with this page. If you are not eligible for that type of expungement, turn to page 6.

## **Arrested and Charged and you had a **Bench or Jury Trial** and were **Found Guilty** – received a **Suspended Imposition of Sentence (SIS)****

- Turn to page 6.

## **Arrested and Charged and you had a **Bench or Jury Trial** and were **Found Guilty** – received a **Suspended Execution of Sentence (SES)****

- Turn to page 6.

## **Arrested and Charged and you had a **Bench or Jury Trial** and were **Found Guilty** – received a **Sentence****

- Turn to page 6.

## Missouri's Expungement Statutes

### Expunging an arrest record only (RSMo. § 610.122)

One common type of expungement in Missouri is for arrest records under RSMo. § 610.122. If the court grants you an expungement under this statute, your record is destroyed, not just closed, which makes it a more desirable type of arrest record expungement.

It can be very difficult to obtain an expungement using this statute and not all arrest records are eligible. If you find that you are not eligible under this statute, you may still be able to expunge an arrest under RSMo. § 610.140 or through one of the other expungement statutes discussed in this guide.

#### Limitations and Eligibility for RSMo. § 610.122

There are no lifetime limits on the number of expungements you may be granted under this statute. However, you are **only** eligible for this type of expungement if one of the following requirements are met:

- Your arrest was based on false information and:
  - There was not probable cause to believe you committed the offense at the time of the expungement;
  - No charges are now being or will be pursued as a result of your arrest; and

- You did not receive a suspended imposition of sentence (SIS) for any arrest-related offenses; or
- You were arrested for, or were **subsequently** charged with, a **misdemeanor** offense under RSMo. Chapter 303 Motor Vehicle Financial Responsibility Law (available online) or any moving violation (at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of [RSMo. §§ 304.170-304.420] inclusive, relating to sizes and weights of vehicles), except for any intoxication-related traffic offense as intoxication-related traffic offense is defined under [RSMo. § 577.023] and:
  - The offense/violation related to the arrest was subsequently **nolle prossed** or dismissed, or you were found not guilty of each offense/violation; and
  - You are not a commercial driver's license holder and were not operating a commercial motor vehicle at the time of the arrest.

Additional eligibility requirements include:

- You must not have a civil lawsuit pending related to the arrest or the arrest record you are seeking to expunge;
- You were arrested in Missouri for alleged criminal activity in Missouri; and
- You have no misdemeanor or felony convictions for any charge before or after the arrest you want to expunge. While this is not currently a statutory requirement, you do have to swear on your petition form that this statement is true.

If you believe you are eligible for this type of expungement, you will want to proceed with the next step of the process (Step 3) beginning on the next page.

If you do not think you are eligible for this type of expungement, you will want to review the eligibility requirements for a RSMo. § 610.140 expungement below.

## Expunging arrests, pleas, trials, and/ or convictions (RSMo. § 610.140)

The most common type of expungement in Missouri applies to eligible arrests, pleas, trials, and convictions under RSMo. § 610.140.

Under this type of expungement, you are “restored” to the status you had prior to the arrest, plea, or conviction, as if the event had never taken place. Even if you can expunge your record(s) under this statute, there are still some important things to remember:

- You must disclose the expunged offense to any court when asked or upon being charged with a later, additional offense and it may be considered a prior offense when determining the sentence to be imposed on the later, additional offense.
- You must disclose the expunged offense when necessary to complete an application for any of the following:
  - License to practice in one’s profession
  - Any gaming license under RSMo. Chapter 313
  - Any employment with a RSMo. Chapter 313 licensed entity
  - Any weapons license, such as a CCW permit, under RSMo. Chapter 571
  - Employment with banks
  - Employment with insurance entities; or
  - Employment with any employer that is required to exclude applicants with certain criminal convictions due to a federal or state law or corresponding rules and regulations
- An employer is required to notify you of certain disclosure obligations.
- An expunged offense “may be a factor for denying employment, or a professional license, certificate, or permit” and can be grounds for automatic disqualification if state or federal laws specifically exclude applicants with certain criminal convictions.

### Eligibility of RSMo. § 610.140

You **may** be eligible if:

- You have a misdemeanor or non-Class A felony for an eligible offense, with specific exceptions.
  - See list of ineligible offenses on page 30.

- You have a **Suspended Imposition of Sentence (SIS)** though an expungement may have limited additional benefit to you as SIS records are already **closed records**.
- You have a **Suspended Execution of Sentence (SES)**.
- You can also expunge an arrest record if another arrest expungement statute does not apply.
- You satisfied all conditions related to the disposition, including paying all **fin**es, costs, and **restitution**.
- Your “habits and conduct” demonstrate that you are not a threat to public safety.
- The expungement is “consistent with the public welfare” and is in “the interests of justice.”
- The offense occurred in Missouri and you were prosecuted for the offense in Missouri.
- You have passed the time limitation for the type of offense you seek to expunge:
  - Felony: 3 years must have passed since you completed any disposition.
  - Misdemeanor, Municipal Ordinance, or **Infraction**: 1 year must have passed since you completed any disposition.
  - Note: “Completed any disposition” means after finishing a jail sentence, prison sentence including parole, probation, or payment of fines.
  - Arrest: 3 years must have passed since the arrest.

You are **not** eligible if:

- You have been found guilty of another misdemeanor, infraction, or **ordinance** violation within 1 year or felony within 3 years of the date you file the expungement petition.
- You have not satisfied all conditions related to the disposition, including paying all fines, costs, and restitution.
- You currently have charges pending against you (including in municipal court).
- You want to expunge an ineligible offense.
- You want to expunge an arrest, plea, trial, and/or convictions from a state other than Missouri.

You have a limited number of expungements under this statute:

- You may have a total of 1 felony, 2 misdemeanors or ordinance violations that have an authorized term of imprisonment, and unlimited infractions expunged under this statute during your lifetime.
- However, you can bundle the charges or convictions so that they only count as a single expungement toward your lifetime total if they were all part of the same “course of conduct” or charging document.



If you believe you are eligible for this type of expungement, you will want to proceed with the next step of the process (Step 3).

If you do not think you are eligible for this type of expungement, you may want to review the eligibility requirements for a RSMo. § 610.122 expungement or one of the other expungement statutes discussed in this guide. However, you might be one of many Missourians who are not currently eligible for expungement under state law. If that is the case, we ask you to complete our expungement survey on our website [www.prosestl.org](http://www.prosestl.org). We plan to use the data and information captured in the survey to advocate for changes to Missouri's expungement laws. We will not share any information about your identity in that advocacy without your express permission.

## Expunging your record because of stolen or mistaken identity (RSMo. § 610.145)

If you were charged because of stolen or mistaken identity, and the case was dismissed, the prosecutor who requested the dismissal may have provided **notice** to the court so the court can order relevant records expunged from all government agencies. However, it is possible that the expungement did not take place and you may want to file a petition yourself.

If you successfully expunge your records under this statute, the records are removed from all official records; you are "restored" to the status you had prior to the arrest, charge, or trial as if the event had never taken place; and you receive protections from any future criminal prosecution based on statements about your criminal history that you may have made during the period you were unaware that your identity was stolen or mistaken.

You **may** be eligible if:

- You were named in a charge of an infraction, misdemeanor, or felony because another person **stole your identity** by using your identifying information without your permission and the charges were dismissed or the person was found not guilty.
- You were named in a charge of an infraction, misdemeanor, or felony because of a **mistaken identity** and the charges were dismissed or the person was found not guilty.
  - Mistaken identity is when a wrongful arrest occurs as a result "of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the offense, misinformation provided to law enforcement as to the identity of the person who committed the offense, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the offense." RSMo. § 610.145.7

- Your case took place in Missouri.

If you believe you are eligible for this type of expungement, you will want to proceed with the next step of the process (Step 3).

## STEP 3: Search for Your Records

How and where you search for your records depends on the information you already have about your arrest, charge, plea, trial, and/or conviction and the type of expungement you seek. We encourage you to briefly skip ahead to Step 5 and identify the relevant expungement court form. You will then learn what kind of information you will need and may realize that you already have everything.

If you do not have all the information needed for the form, one quick search location is Missouri's online court records through **Case.Net**: <https://www.courts.mo.gov/cnet/welcome.do> Arrests and some closed records may not appear on the Case.Net website so you may want to do more extensive research beyond this website.

The best place to search for Missouri criminal records is through the Missouri State Highway Patrol website: <https://www.machs.mo.gov/> You can complete a fingerprint or a name-based search and you should only need to run one of the searches. If you know that you only have one or two things on your record and you have most of the details available to you, it is still a good practice to at least run a name-based search (explained below) to confirm that you have all the information you need for your petition.

Because a criminal record can be created any time you have contact with police officers and the criminal legal system, there may be information in the Missouri State Highway Patrol Central Record Repository that is relevant to your expungement and not otherwise available to you. It is for this reason that we recommend you conduct a fingerprint search over a name-based search.

## Fingerprint Search

- If you want access your complete criminal record history in Missouri, including arrests and closed records, you will need to be fingerprinted. You will schedule a fingerprinting appointment with IDEMIA/IdentoGo through the MACHS website.
  - Website: <https://www.machs.mo.gov/MACHSFP/wizard.html>
  - Cost: \$20.00 + \$11.50 Vendor Fee

## Steps:

1. On the Missouri Highway Patrol website, you will go to “Click Here to Register with the Fingerprint Portal”.
2. On the first screen, you will go to “Click Here to Register with MACHS”.
3. On the next screen, you will be asked to enter a registration code. For the purpose of obtaining your personal record, you will enter 9999.
4. For the next screen, you must enter all your identifying information: hair color, eye color, race, weight, state of birth, citizenship, and current mailing address.
5. Make sure “NO” is selected where it says “Mail Notarized Results” unless you want to pay extra for notarized results to be sent to you.
6. To submit your information, you will click “Register.”
7. On the next few screens, you will review your information for accuracy and enter your zip code to find the nearest fingerprinting location and available appointment times.  
**Note:** It is important that you put in the correct address for where your records are to be sent, or they may be lost, and you will have to repeat this entire process.
8. Please keep your TCN or “Transaction Control Number” handy as you will need it at your fingerprinting appointment and to reschedule your appointment if necessary.
9. Records are usually sent to the address provided within 7-10 business days. If you do not receive anything within 2 weeks, please contact the Missouri State Highway Patrol at (573) 526-6153, Option 3.

## Name-Based Search

- If you only want to search open, public records, you may do a name-based search with the Missouri State Highway Patrol’s website.
  - Website: <https://www.machs.mo.gov/MocchWebInterface/home.html>
  - Cost: \$15.00 + \$0.55 Fee

## STEP 4: Review Your Records

Review your record search results once they arrive to ensure you have all the information needed to complete your expungement petition. For example, you may need to include your case number(s) on your petition form. If there is information missing from the records, you may need to contact or go to the police department, or the court, related to your case(s) to make sure you have everything you need.

## STEP 5: Find the Right Court Forms

Missouri has standard forms that can be used to obtain an expungement. You can find these forms at [www.courts.mo.gov](http://www.courts.mo.gov) under “Court Forms” where you will then select “Expungement Forms.”

It is very important that you select the correct form. If you do not use the correct one, your case may be dismissed and, in some circumstances, you may have to wait an entire year to refile.

### Expunging arrests under RSMo. § 610.122

See form currently called “CR145”: <https://www.courts.mo.gov/file.jsp?id=647>

### Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140

See form currently called “CR360”: <https://www.courts.mo.gov/file.jsp?id=56341>

### Expunging your record because of identity theft under RSMo. § 610.145

See form currently called “CR300”: <https://www.courts.mo.gov/file.jsp?id=58444>

### Expunging your record because of mistaken identity under RSMo. § 610.145

See form currently called “CR301”: <https://www.courts.mo.gov/file.jsp?id=116396>

### Expunging marijuana records as permitted under Amendment 3

See form currently called “CR375”: <https://www.courts.mo.gov/file.jsp?id=191073>

## STEP 6: Additional Form Needed for Your Petition

You will also need to submit the **Confidential Case Filing Information Sheet – Non-Domestic Relations** when you file your expungement with the court. You will find a copy of that form on the Missouri Court Forms Website: <https://www.courts.mo.gov/file.jsp?id=34052>

If you are completing the form by hand, you will want to print more than one copy of the sheet in case you need more space to enter the offices, agencies, and departments that hold your criminal

records. As a reminder, make sure that you use black ink and use clear and legible handwriting so others can read the form.

## Enter the Following Information on the Form:

- **Filing Date:** the date you plan to take it to the court to file.
- **County:** the county in which you are filing the petition for expungement.
- **Style of the Case:** your last name v. the name of the first **Respondent/Defendant** on your petition form.
  - For example, if your last name is Smith and you are expunging an arrest record from St. Louis County Sheriff's Department, your Style of the Case would be Smith v. St. Louis County Sheriff's Department.
  - You do not have to list each respondent in the Style of the Case, just the first one on your list, followed by "et al."
- You will see a box with the language "The unredacted document is attached to this filing sheet in place of listing the redacted information identifiers below." You will want to check that box if you plan to redact the document as explained on page 12.
- **Case Type Code:** The code you use will depend on the type of expungement you are filing.
  - Expunging arrests under RSMo. § 610.122: Use code XG
  - Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140: Use code X5
  - Expunging Your Record Because of Identity Theft under RSMo. § 610.145: Use code X1
  - Expunging Your Record Because of Mistaken Identity under RSMo. § 610.145: Use code X1
  - If you are expunging marijuana records as permitted under Amendment 3, use code X#
- **Case Type Description:** The description you use will depend on the type of expungement you are filing.
  - Expunging arrests under RSMo. § 610.122: Use Expungement of Crim/Arrest Record

- Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140: Use Expungement of Records (610.140 RSMo)
- Expunging Your Record Because of Identity Theft under RSMo. § 610.145: Use Other Miscellaneous Action
- Expunging Your Record Because of Mistaken Identity under RSMo. § 610.145: Use Other Miscellaneous Action
- If you are expunging marijuana records as permitted under Amendment 3/Article 14, Use Expunge Marijuana Criminal/Arrest Records

## First large box

- Party Type Code: PET
- Party Type Description: Petitioner
- Name: You will enter your last, first, and middle names.
- Organization: You will not need to enter anything here because you are seeking to expunge your own records.
- Continue to fill out the remainder of that first box with your address, contact information, date of birth, gender, and social security number. It is usually the case that all your communications from the court will come by mail. You will want to make sure that the court has your correct mailing address and that you have access to your mail at that address.
- The Attorney Name, Bar ID, and Party Type Code at the bottom will be left blank here unless an attorney is representing you.

## Second large box

- This is where you will begin entering each of the Respondents/Defendants you have checked and listed on the first page of your petition. Each Respondent will be in their own large box. This means you may need to complete additional confidential case filing sheets to make sure all Respondents are listed.
- Party Type Code for all of them will be RES.
- Party Type Description for all of them will be Respondent.
- You will then list each of them as an organization because they are not people
- **Address and Contact Information.** This is where you will enter the address and contact information for each of the people, organizations, agencies, and/or courts that hold your relevant Missouri criminal records. To save you some time, we have a list of contact information or recommended steps to retrieve that information at the back of this guide.

At the bottom of the second page of the Confidential Case Filing Information Sheet, you will want to put your name in the space after "Submitted by" but you should not have to fill out any additional information if you already included it on the front page of the form.



If you do not file the expungement documents with the court on the date you listed as the "filing date," you may have to start your documents all over. It is important to make sure you that you only use a date that you know the court is open and that you will be able to file your documents in person on that date.

## STEP 7: Draft Your Petition

If you plan to handwrite your court documents, use black ink, and make sure that the writing is clear and legible for others to read.

At the top of the form, you will fill in the judicial circuit and county in which you are filing the expungement. You will need to file your petition in the county in which you were arrested, charged, tried, and/or convicted. You can determine the judicial circuit via the Missouri Courts Website: <https://www.courts.mo.gov/#findacourt>

Leave the Judge or Division and Case Number sections blank as they will be completed by the court clerk when you file your petition.

If you make an error, we recommend that you start over with a new form because the court clerk may not accept one with scribbles or White-Out.

### Petitioner

When completing your petition, there are several parties you must name, including yourself. As the Petitioner, you will enter your name in the Petitioner box on the form.

### Respondent/Defendant

Everyone else is called a “Respondent,” sometimes also called a Defendant. You will want to check the box next to all the offices, departments, or agencies in Missouri that may have records regarding your arrests, pleas, trials, and convictions, or else the court’s expungement order will not apply to them. Here are some of Respondents/Defendants you may want to consider listing if they have records for you:

- Circuit Court and Division in which your criminal case was filed;
- Associate Court and Division in which your case was filed;
- Municipal Court and Division if you were charged in municipal court;
- Missouri State Highway Patrol Criminal Justice Information Services (CJIS) Division [this is also the respondent/defendant for the Central Record Repository];
- Missouri Department of Revenue;
- Missouri State Highway Patrol Troop;
- Arresting police department;
- Arresting county sheriff’s department;
- Prosecuting/Circuit Attorney in the city or county where you were charged; and/or
- Anyone else you believe has your records in Missouri.
- If you are expunging a conviction, you need to add the Missouri Department of Corrections as a Respondent.

## Additional Petition Form Information Necessary for the Different Types of Expungements

### Expunging arrests under RSMo. § 610.122

- You will want to enter information on the line on the front page to tell the court which criminal case arrest record you want expunged.
- By filing the petition with the court, you are swearing that the statements on the front page of the form are true. You will need to check the boxes on the front of the form if they are true statements. (If they are not true statements, you are not eligible for expungement under this statute.)
- You will then complete the remainder of the boxes at the bottom of the page:
  - Enter your full name, sex, race, date of birth, social security number, driver’s license number (if you have one).
  - Enter information about your arrest: address at time of arrest, offense charged, date of arrest, arrest citation number, if criminal charges were filed/date of dismissal or reversal, county where you were arrested (include municipality if it took place in a municipality), name of **arresting agency**, case number, court where you were charged (Circuit, Associate, or Municipal), Division of that court, and case number.
  - You will check the box for “Not Applicable” if you were only arrested and not charged for the offense after your arrest.
- The second page needs a notarized signature. Do not sign the page until you are with a notary or it will not be a validly notarized document. Sign the form in blue pen ink when you are with the notary.
  - How to find a notary?
    - If you are in the St. Louis region, all branches of the St. Louis City Public Library and St. Louis County Public Library have a notary on staff. Please call your local library branch first to see if or when the notary is available.
    - If you are outside of the St. Louis region, call your local library to see if they have notaries available.
    - Banks will often provide free notarization for account holders.
    - Some notaries do charge a fee for their service so you will want to ask them if there is a charge before making arrangements for them to notarize your documents.

## Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140

- By filing the petition with the court, you are swearing that the statements on the front page of the form are true. If they are not true statements, then you are not eligible for an expungement under this statute. You will need to check one of the boxes next to statement number 6 to state that you have not previously been granted an expungement or that you have been granted an expungement and then list the court and case number in which that expungement was granted. Remember the lifetime limits on expungements discussed above.
- You will then complete the remainder of the boxes at the bottom of the page:
  - Enter your full name, sex, race, date of birth, current address, driver's license number (if you have one) along with the expiration date and license issuing state.
  - If you have a non-driver's license, you can still put that information on there as well.
- Include only eligible offenses on the second page of the form. If multiple charges relate to the same incident, include all related offenses on the petition form and the court will consider eligibility for expungement for the highest-level charge, with the associated charges not counting toward your lifetime expungement limits.
- You will then sign the second page under the penalty of perjury that the statements made in your petition are "true and correct to the best of my knowledge, information, and belief."

## Expunging your record because of identity theft under RSMo. § 610.145

- By filing the petition with the court, you are swearing that the statements on the front page of the form are true. If they are not true statements, then you are not eligible for an expungement under this statute.
- You will then complete the remainder of the boxes on the front page:
  - Enter your full name, sex, race, date of birth, social security number, driver's license number (if you have one).
  - Enter information about your arrest: address at time of arrest, offense charged, date of arrest, arrest citation number, date of conviction (if known), county where arrest occurred (if arrest occurred in a municipality, also name the municipality), name of arresting agency, case number, court where you were charged (Circuit, Associate, or Municipal), and Division of that court.
  - If known, you are asked to complete the boxes about the defendant who stole your identity.

- You will then sign the first page swearing or affirming "under the penalty of perjury that these facts are true according to your best knowledge and belief." You are asked to enter your address with your signature.

## Expunging your record because of mistaken identity under RSMo. § 610.145

- By filing the petition with the court, you are swearing that the statements on the front page of the form are true. If they are not true statements, then you are not eligible for an expungement under this statute.
  - You will need to check one of the boxes next to the statement that either 1) My identifying information was used by another person; or 2) I was the victim of mistaken identity. See page 7 for more information about the distinction.
- You will then complete the remainder of the boxes on the front page:
  - Enter your full name, sex, race, date of birth, social security number, driver's license number (if you have one).
  - Enter information about your arrest: address at time of arrest, offense charged, date of arrest, arrest citation number, date of conviction (if known), county where arrest occurred (if arrest occurred in a municipality, also name the municipality), name of arresting agency, case number, court where you were charged (Circuit, Associate, or Municipal), and Division of that court.
- You will then sign the last page swearing or affirming "under the penalty of perjury that these facts are true according to your best knowledge and belief." You are asked to enter your address along with your signature.

## Expunging marijuana records as permitted under Amendment 3/Article 14

- By filing the petition with the court, you are swearing that the statements on the front page of the form are true. You must check both boxes if they are true statements. If they are not true statements, then you are not eligible for an expungement under this statute.
- Enter your full name, sex, race, year of birth, and current address.
- Enter information about your arrest, plea, trial, and conviction(s) that you seek to expunge: case number, court name, approximate date of charge, county of charge, and number and description of charge.
- You will then sign the first page declaring "under the penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

## STEP 8: Filing Fee or Complete a Fee Waiver

You will want to call the court where you plan to file the expungement petition to ask the clerk the amount of filing fees, court costs, and **service** costs you may need to pay when you go file your petition. You will also want to ask them what methods of payment they will accept for the filing fees, service costs, and other court costs.

There is a \$250 surcharge added for expungements filed under RSMo. § 610.140. You should ask the clerk if the amount they quoted you includes that surcharge or if you must pay the \$250 in addition to the amount they quoted you.

You can find the court's phone number using the Missouri Courts website: <https://www.courts.mo.gov/#findacourt>. When you call, you will want to ask for the court clerk's office.

If you are unable to pay the filing fee and court costs, you can ask the court to waive that requirement by filing a "Motion and Affidavit to Proceed as a Poor Person" also known as a "Fee Waiver." You will need to complete the form with information about your family size, income, and expenses. You can get a copy of the form here: <https://www.courts.mo.gov/file.jsp?id=62133>

Be sure to be truthful and include all information that supports your request for a fee waiver. If you have another person in your household that helps cover expenses, this would be helpful for the judge to know. The clerk may give you a date and time to appear before the judge to present your motion. If it is granted, you will not have to pay the filing fees for your petition.

## STEP 9: Redaction

In 2023, the Supreme Court of Missouri enacted new rules to make court records more accessible to the public while protecting the personal information in those records from public viewing. The new rules require anyone filing something with the courts to "redact" or hide information. You will have to redact your expungement documents before filing them with the court. We encourage you to read this entire section before you begin redacting your completed documents.

Redaction means you are retroactively editing a document to remove confidential or sensitive material. While you can purchase software to complete the redaction process, we wanted to provide you with an inexpensive method to do it on your without having to rely on that software. After you complete the following redaction steps and before you file your documents with the court, you will want to hold the documents up to the light to make sure you cannot see the confidential or sensitive material through them. If you can see that material, you will want to go ahead and mark over those documents again and photocopy them until you can hold them up to the light without seeing the sensitive material.

## Supplies you will need for redaction

- Black Pen
- Computer
- Printer
- Photocopy machine
- White-Out
- Large, thick-tipped black marker
- Your completed expungement documents

## Redaction Process

### Step 1

- Print three copies of the blank Confidential Redacted Information Filing Sheet (FI35): <https://www.courts.mo.gov/file.jsp?id=195254>
- Print one copy of the blank Redaction Certification form (GN320): <https://www.courts.mo.gov/file.jsp?id=195253>

### Step 2

- Make photocopies of your completed expungement documents. You will keep the originals to file with the court so you can set those aside once they are copied.
  - Make one photocopy of your completed Petition
  - Make one photocopy of your completed Confidential Case Filing Information Sheet
  - Make one photocopy of your completed Motion and Affidavit to Proceed as a Poor Person (if you plan to file one)

### Step 3

- Pull out your photocopies and use either white-out or a black marker with a larger tip to redact the following information from each document:
  - Social security numbers, driver's license numbers, state identification numbers, taxpayer identification numbers, and passport numbers;
  - Financial institution account numbers, credit or debit card numbers, personal identification numbers, or passwords used to secure any such accounts or cards;
  - Names, addresses, and contact information of informants, victims, witnesses, and persons protected under restraining or protection orders;
  - Dates of birth;
  - Names of individuals known to be minors; and
  - Case numbers of confidential, expunged, or sealed records.

## Step 4

- Make a photocopy of each of the documents you redacted in Step Three.
- You will see that the new photocopy does a better job of hiding that redacted information. You will use those new photocopies when you file the information with the court, and you can throw away the redacted versions with the original marker or white-out on them. **NOTE:** Do not throw away the originals as you will need those documents to file with the court.

## Step 5

- Start with the **first blank Confidential Redaction Information Filing Sheet** and complete the form with the following information:

- At the top, you will enter your name for Party Name box.
- Case Number: Leave this blank for the court clerk to complete when you file your Petition.
- Address: Enter your complete address, including zip code in the box.
- Case Type: Use the same case types that you put on your Confidential Case Filing Information Sheet – Non-Domestic Relations

- Expunging arrests under RSMo. § 610.122: Use code XG
- Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140: Use code X5
- Expunging Your Record Because of Identity Theft under RSMo. § 610.145: Use code X1
- Expunging Your Record Because of Mistaken Identity under RSMo. § 610.145: Use code X1
- If you are expunging marijuana records as permitted under Amendment 3, use code X#

- Style of the Case: your last name v. the name of the first Respondent/Defendant on your Petition form.

- Use the same Style of the Case that you used on your petition.

- Email Address: Enter your email address in the box.
- Filing Date: The date you plan to file the petition with the court.
- Document Filed: You will write Petition in the box.
- You will see a box with the language “The unredacted document is attached to this filing sheet in place of listing the redacted information identifiers below.” You will want to check that box so you do not have to list everything out on that page.
- At the bottom of the Confidential Redacted Information Filing Sheet, you will want to put your name in the space after “Submitted by” but you

should not have to fill out any additional information if you already included it on the front page of the form.

- Move on to the **second blank Confidential Redaction Information Filing Sheet** and complete the form with the following information:
  - At the top, you will enter your name for Party Name box.
  - Case Number: Leave this blank for the court clerk to complete when you file your Petition.
  - Address: Enter your complete address, including zip code in the box.
  - Case Type: Use the same case types that you put on your Confidential Case Filing Information Sheet – Non-Domestic Relations
- Expunging arrests under RSMo. § 610.122: Use code XG
- Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140: Use code X5
- Expunging Your Record Because of Identity Theft under RSMo. § 610.145: Use code X1
- Expunging Your Record Because of Mistaken Identity under RSMo. § 610.145: Use code X1
- If you are expunging marijuana records as permitted under Amendment 3, use code X#
  - Style of the Case: your last name v. the name of the first Respondent/Defendant on your Petition form.
- Use the same Style of the Case that you used on your petition.
  - Email Address: Enter your email address in the box.
  - Filing Date: The date you plan to file the petition with the court.
  - Document Filed: You will write “Confidential Case Filing Information Sheet – Non-Domestic Relations” in the box.
  - You will see a box with the language “The unredacted document is attached to this filing sheet in place of listing the redacted information identifiers below.” You will want to check that box so you do not have to list everything out on that page.
  - At the bottom of the Confidential Redacted Information Filing Sheet, you will want to put your name in the space after “Submitted by” but you should not have to fill out any additional information if you already included it on the front page of the form.
- You only have to complete the **third blank Confidential Redaction Information Sheet** if you plan to file a Motion and Affidavit in Support of Request to Proceed as a Poor Person. If you do not plan to file the motion and affidavit, skip this step, and move on to the Redaction Certification Form.

- At the top, you will enter your name for Party Name box.
- Case Number: Leave this blank for the court clerk to complete when you file your Petition.
- Address: Enter your complete address, including zip code in the box.
- Case Type: Use the same case types that you put on your Confidential Case Filing Information Sheet – Non-Domestic Relations
- Expunging arrests under RSMo. § 610.122: Use code XG
- Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140: Use code X5
- Expunging Your Record Because of Identity Theft under RSMo. § 610.145: Use code X1
- Expunging Your Record Because of Mistaken Identity under RSMo. § 610.145: Use code X1
- If you are expunging marijuana records as permitted under Amendment 3, use code X#
  - Style of the Case: your last name v. the name of the first Respondent/Defendant on your Petition form.
- Use the same Style of the Case that you used on our petition.
  - Email Address: Enter your email address in the box.
  - Filing Date: The date you plan to file the petition with the court.
  - Document Filed: You will write Motion and Affidavit in Support of Request to Proceed as Poor Person in the box.
  - You will see a box with the language “The unredacted document is attached to this filing sheet in place of listing the redacted information identifiers below.” You will want to check that box so you do not have to list everything out on that page.
  - At the bottom of the Confidential Redacted Information Filing Sheet, you will want to put your name in the space after “Submitted by” but you should not have to fill out any additional information if you already included it on the front page of the form.
- Finally, complete the **Redaction Certification Form**:
  - At the top, you will enter the same Judicial Circuit and County that you put at the top of your petition form.
  - You will then enter your name and address.
  - Document Filed: Here is where you list the documents you are filing in court so you will want to list the Petition for Expungement, Confidential Case Filing Information Sheet – Non-Domestic Relations, and the Motion and Affidavit to Proceed as a Poor Person (if you are filing one).
  - You will leave the case number blank as that will be completed by the clerk when you file the petition with the court.
- Case Type: Use the same case types that you put on your Confidential Case Filing Information Sheet – Non-Domestic Relations
- Expunging arrests under RSMo. § 610.122: Use code XG
- Expunging arrests, pleas, trials, and convictions uer RSMo. § 610.140: Use code X5
- Expunging Your Record Because of Identity Theft under RSMo. § 610.145: Use code X1
- Expunging Your Record Because of Mistaken Identity under RSMo. § 610.145: Use code X1
- If you are expunging marijuana records as permitted under Amendment 3/Missouri Constitution Article 14, Section 2, use code X#
  - Style of the Case: your last name v. the name of the first Respondent/Defendant on your petition form.
- Use the same Style of the Case that you used on your petition.
  - Make sure that you read, understand, and have redacted the information as required by the court and sign and date the Redaction Certification if you understand and agree with those statements.

## STEP 10: Obtain a Fingerprint Card

You will only need to complete this step and obtain a fingerprint card if you are expunging an arrest record under RSMo. § 610.122 or expunging a criminal record because of identity theft under RSMo. § 610.145. **You can skip this step if you are seeking any other type of expungement.**

These fingerprints are **not** the same ones you get when you are doing your search for your records through the Missouri State Highway Patrol.

You will want to contact local law enforcement agencies to ask them if they can do fingerprint cards for your expungement. You will need three copies, so ask them if they can do three separate cards for you.

- We found that some agencies cannot complete three cards, so it is important to ask them before you travel there to complete the cards.
- If they want to know why you need three, you can answer that the cards are for your expungement, and they will be used in the following manner:
  - One copy will be filed with the Court.
  - One copy will be sent to the Highway Patrol with your **summons**.



- One copy will be for your records to take with you to court in case something happens with the Court's copy.
- You will also want to ask them how much each card costs, whether you will need to pay in cash, whether there are any added costs that you will need to have cash for, and, finally, what kind of identification you need to bring with you.

**Note:** If you are in the St. Louis region, St. Louis County Police Headquarters, located at 7900 Forsyth Blvd, Clayton, MO, 63105, has been willing to complete three fingerprint cards.

- Lines can get a little long between 11 a.m. and 2 p.m. as these are typically lunch hours for everyone who needs services in this department.
- You will need your State ID or Driver's license and \$9 cash because each fingerprint card costs \$3, and you need to have three cards.
- After payment, you will be escorted to the fingerprinting area where the officer will have you complete the top portion of the fingerprint card and confirm the information is correct. They will then dip each of your fingers in ink and place them in the corresponding sections on the card. The officer will then ask you to sign each card.

## STEP 11: Gather and Prepare Your Documents to File

It will be a lot easier for you to manage the documents if you put them in this order to file them with the court as a "packet" and use this as a checklist to make sure you have everything ready.

- Confidential Case Filing Information Sheet** – Non-Domestic Relations – Original completed version
- Confidential Redacted Information Filing Sheet** – The version that has "Confidential Case Filing Information Sheet – Non-Domestic Relations" in the "Document Filed" box
- Confidential Case Filing Information Sheet** – Non-Domestic Relations – Redacted version
- Petition** – Original completed version
- Confidential Redacted Information Filing Sheet** – The version that has Petition in the "Document Filed" box
- Petition** – Redacted version

Only include these forms next if you plan to file the Motion and Affidavit to Proceed as a Poor Person

- Motion and Affidavit to Proceed as a Poor Person** – Original completed version
- Confidential Redacted Information Filing Sheet** – The version that has Motion and Affidavit to Proceed as a Poor Person in the "Document Filed" box.

- Motion and Affidavit to Proceed as a Poor Person** – Redacted Version
- Redaction Certification Form**

**You will need to take the following additional photocopied documents with you to file your expungement with the court.**

- Take one photocopy of your original completed Petition for the court clerk to "file stamp" so you can keep that copy for your own records.
- Take one photocopy of your original completed Petition for **each** Respondent you include in your Confidential Case Filing Information Sheet. For example, you will need to print and complete five copies of the form if you have five separate Respondents/Defendants.

**If you plan to file your petition for expungement in St. Louis County,** there is an additional document that you will need to complete and file the Notice of Hearing on Expungement Form: <https://stlcourtscourts.com/forms/efiling/notice-of-hearing-on-expungement/>.

You will need to print out and complete the form for each Respondent/Defendant you included in your Confidential Case Filing Information Sheet. For example, you will need to print and complete five copies of the form if you have five separate Respondents/Defendants. Take all the completed forms with you when you file your Petition with the court.

- At the top of the form, put your name on the line above "Petitioner."
  - If you used a different name when you were arrested, tried, or convicted, put that name on the line above "Include name at time of arrest if different from above."
- Date: List the date you plan to file the expungement petition with the court.
- Leave the "Case Number" and "Division" lines blank as the clerk will need to enter that information.
- TO:
  - Use the first line to enter one of the Office, Departments, or Agencies you included as a Respondent
  - Use the second and third lines to enter the address, city, state, and zip code of the Respondent
- Further down on the right side of the page, you will see lines that have Petitioner, Address, Address at time of arrest. Fill in the information above the line using your information.
- You will leave all other lines and spaces on the form blank.

## STEP 12: File Your Petition

As a *pro se* petitioner (representing yourself), you must go to the courthouse in the county in which you were arrested, charged, tried, and/or convicted to file your Petition in person. Take all the documents gathered in Step 11 with you when you go to the courthouse.

If you are not filing the Motion and Affidavit to Proceed as a Poor Person and plan to pay the filing fee yourself, you will need to bring the appropriate payment form with you to court to cover the cost of the filing. You will need a payment form type that the clerk shared with you in Step 8 of this expungement process.

You will also need to pay to “serve” the petition and the summons on each of the respondents. Service is explained in the next step. Ask the clerk to include service fees in your filing fee at the time you file your Petition.

## STEP 13: Serve Your Petition

Your expungement case will not move forward without proper service. Serving your petition means providing the Respondents/Defendants, or opposing parties, with a formal copy of the documents you have filed with the court and giving them notice of the first court date that has been set for the matter. The Respondents/Defendants will receive a “summons” along with a copy of your Petition.

Unfortunately, not all courts in Missouri follow the same process for serving the Petition on the Respondents/Defendants you listed in your Petition. You will probably need to ask the court clerk when you file the petition how they process “Service” for expungement cases.

If you are filing your expungement case in **St. Louis City**:

- A summons will be generated by the clerk and mailed to the address you provided to the court.
- When you receive the summonses, you will then take them to the Sheriff’s Office on the 8th floor in the Civil Courts Building, at the corner of Market and Tucker in downtown St. Louis. The Sheriff will serve the summonses on the Respondents/Defendants.

If you are filing your expungement case in **St. Louis County**:

- As explained earlier, you will need to complete and file the Notice of Hearing on Expungement Form: <https://stlcountycourts.com/forms/efiling/notice-of-hearing-on-expungement/>.
- You will need to print out and complete the form for each Respondent/Defendant you included in your Confidential

Case Filing Information Sheet. For example, you will need to print and complete five copies of the form if you have five separate Respondents/Defendants.

- Your completed notices will be mailed to the parties by the court clerk.

## The Waiting Game: Timeline After Filing

The timeline and waiting process after you file varies depending on the type of expungement petition you filed.

### Expunging arrests under RSMo. § 610.122

The court will schedule a hearing within 30 days of the date you filed the petition. Be sure to monitor your mail because the court will send you a letter with your hearing date. Once you get this hearing date letter, make sure to ask off work and/or plan to be in court for a large part of that day.

### Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140

After each Respondent/Defendant has been served, they will have 30 days to enter their appearance or otherwise respond to your Petition.

It is possible that one or more of the Respondents/Defendants will object to your Petition. They must file their objections in writing within those 30 days. Do not panic if they do. You will learn more about their objections on your hearing date and should have an opportunity to respond to them then.

The court will set your **expungement hearing** date when it can put you on a court docket. That timeline can depend on how often the court is in session and the number of cases it must work through. However, if one of the Respondents/Defendants files an objection to your expungement petition, the court should set your expungement hearing date within 60 days as required by statute.

This statute also requires the court to enter the expungement or dismiss the case within 6 months of filing the Petition.

### Expunging your record because of identity theft under RSMo. § 610.145

After each Respondent/Defendant has been served, they will have 30 days to enter their appearance or otherwise respond to your Petition.

It is possible that one or more of the Respondents/Defendants will object to your Petition. They must file their

## STEP 14: Prepare for Court

objections in writing within those 30 days. Do not panic if they do. You will learn more about their objections on your hearing date and should have an opportunity to respond to them then.

The court will set your expungement hearing date when it can put you on a court docket. That timeline can depend on how often the court is in session and the number of cases it must work through.

### Expunging your record because of mistaken identity under RSMo. § 610.145

After each Respondent/Defendant has been served, they will have 30 days to enter their appearance or otherwise respond to your Petition.

It is possible that one or more of the Respondents/Defendants will object to your Petition. They must file their objections in writing within those 30 days. Do not panic if they do. You will learn more about their objections on your hearing date and should have an opportunity to respond to them then.

The court will set your expungement hearing date when it can put you on a court docket. That timeline can depend on how often the court is in session and the number of cases it must work through.

### Expunging marijuana records as permitted under Amendment 3/Article 14

After each Respondent/Defendant has been served, they will have 30 days to enter their appearance or otherwise respond to your Petition.

It is possible that one or more of the Respondents/Defendants will object to your Petition. They must file their objections in writing within those 30 days. Do not panic if they do. You will learn more about their objections on your hearing date and should have an opportunity to respond to them then.

The court will set your expungement hearing date when it can put you on a court docket. That timeline can depend on how often the court is in session and the number of cases it must work through.

Be sure to monitor your mail because the court will send you a letter with your hearing date. Once you get this hearing date letter, make sure to ask off work and/or plan to be in court for a large part of that day.

Additionally, the Missouri State Highway Patrol will probably send you a letter stating whether they intend to show up to the hearing or not. You will want to keep that letter with your records and take it with you to court on your hearing date.

Make sure you have all your documents ready to take with you to your court hearing.

- Sometimes you may need to get additional court records to help prove your case. For example, if you were ordered to pay restitution in your criminal case, you should have copies of receipts or a court record showing you paid your restitution.
- For arrest records, it is important to get a copy of the police report from your case if you do not have one already. Contact the police department that arrested you and ask them how to obtain a copy of your report for your expungement hearing. They may tell you that you have to submit a Sunshine Request and, if they do, please visit [www.prosestl.org](http://www.prosestl.org) for more information about how to submit those requests. There may be a minimal cost associated with finding and copying the requested reports.

You may feel more comfortable if you prepare a brief statement for the judge before your court date.

- Here is a sample statement to help you decide what you want to say to the judge during your hearing to expunge an arrest record under RSMo. § 610.122:

“Good morning/afternoon Your Honor, I am here to expunge my arrest. I have an arrest that is impacting my ability [to get a job, rent an apartment, buy a house, or other barrier here]. I was arrested on [share date]. I am seeking to have the records expunged today. I appreciate the court’s time and consideration.”

- Here is a sample statement to help you decide what you want to say to the judge during your hearing to expunge arrests, pleas, trials, and convictions under RSMo. § 610.140:

“Good morning/afternoon Your Honor, I am here to expunge my criminal record. I have a [arrest, charge, plea, trial and/or conviction] that is impacting my ability [to get a job, rent an apartment, buy a house, or other barrier here]. I was [arrested, charged, tried, and/or convicted] with the following offenses on [share dates]. I am seeking to have those records expunged today. I appreciate the court’s time and consideration.”

Under this statute, you also have to tell the court about how your habits and conduct demonstrate that you are

not a threat to public safety and that an expungement is consistent with public welfare and is in the interests of justice. You should think about how you will answer any of the judge's questions about those topics before your court date.

You may also want to ask friends, family members, your employer(s), a social worker or sponsor, or someone else who knows you well to testify before the court about how you have changed as a person since your arrest/conviction. If they are not available to appear in court, you can ask them to write a letter to the court attesting to your character and how you have changed since your arrest/conviction. You will want to make a photocopy of that letter for your records and give the original letter to the judge.

- Here is a sample statement to help you decide what you want to say to the judge during your hearing to expunge your record because of identity theft under RSMo. § 610.145:

“Good morning/afternoon Your Honor, I am here to expunge my criminal record. I was named in a charge/offense because another person used my identifying information. The charge was dismissed and/or the person was found not guilty. I am seeking to have the records expunged today. I appreciate the Court’s time and consideration.”

- Here is a sample statement to help you decide what you want to say to the judge during your hearing to expunge your record because of mistaken identity under RSMo. § 610.145:

“Good morning/afternoon Your Honor, I am here to expunge my criminal record. I was named in a charge/offense because of a misidentification, confusion, or other mistake by a witness or law enforcement as to who committed the offense. The charge was dismissed and/or the person was found not guilty. I am seeking to have the records expunged today. I appreciate the court’s time and consideration.”

- Here is a sample statement to help you decide what you want to say to the judge during your hearing to expunge marijuana records as permitted under Amendment 3/Article 14:

“Good morning/afternoon Your Honor, I am here to expunge my marijuana-related offense under the expungement provision of Amendment 3/Missouri Constitution Article 14, Section 2. I appreciate the court’s time and consideration.”

You will want to be prepared to tell the judge why you want your marijuana records expunged now instead of waiting for the automatic expungement process written into Amendment 3. See page 21 for more information.

## STEP 15: Your Day in Court

Here are some tips and information to help you feel your best for your expungement hearing date:

- You may have to wait for your case to be called after other cases in the courtroom. Please expect and allot at least 3 hours for your expungement proceeding to be heard by a judge.
- Dress how you feel most confident, leaning toward modest and formal.
- The judge and/or attorneys from the Respondent offices, departments, and agencies may ask you questions. If so, you will be sworn in under oath and must tell the court the truth to the best of your ability.
- It is ok to say “I don’t know” when talking with the judge or attorneys.
- It is natural to be nervous about going to court and to feel nervous while in court.
- Keep answers to questions short and concise and do not answer questions not asked of you.
- You will not be in trouble nor will you be detained if your petition for expungement is denied.
- It may take more than one try to get your petition right and you may want to ask the judge to allow you to come back on a new court date after you are able to amend your petition to make corrections.

During your hearing, the judge will either tell you the results that day or will take your case under “submission” or “advisement,” which means the judge will mail you their decision at a later date.

## STEP 16: Follow-Up

Most decisions are made by the judge and sent to you in the mail within 30 days. If the judge determines that you did not meet the criteria to expunge any of your listed offenses, violations, or expungements under RSMo. § 610.140 or if you knowingly provided false information for that type of expungement, the judge must dismiss the petition. **If you fail to meet the RSMo. § 610.140 criteria, you cannot refile another petition until one year has passed since the filing date of the dismissed petition.** None of the other expungement statutes require this waiting period to refile.

When the court grants your expungement, it will take some time before the court records disappear from the public. If you are still able to see your records on Case.Net or any other database where they were previously present approximately 30 days after the judge approves your expungement, you will want to contact the Missouri State Highway Patrol and the Court

Clerk in the Division that heard your expungement case to see if they can help you remove the records from the website.

## What else happens after a judge grants you an expungement under the different types of expungement statutes?

### Expunging an arrest record under RSMo. § 610.122

- The relevant court or administrative proceeding records and files are closed and confidential. They are only available to the parties or by the court's order when there is **good cause**.
- A copy of the expungement order is given to each person, organization, or agency you listed in the petition because they have your criminal records. The expunged records under this statute must be destroyed unless it is not feasible because of the permanent nature of the record book. In that case, the recorded entries will be blacked out.
- The records must be removed from all electronic files maintained by the State of Missouri.
- The Missouri State Highway Patrol Central Record Repository will request that the Federal Bureau of Investigation expunge the records from its files. This does not mean the FBI has to expunge your records as well, but they may do so, or at least make a note in their database of the expungement.

### Expunging arrests, pleas, trials, and convictions under RSMo. § 610.140

- The relevant court or administrative proceeding records and files are closed and confidential. They are only available to the parties or by the court's order when there is good cause.
- A copy of the expungement order is given to each person, organization, or agency you listed in the petition because they have your criminal records.
- The expunged criminal records under this statute must then be closed. This means that they are inaccessible to the general public or anyone other than you, except as explicitly outlined in RSMo. § 610.120 or RSMo. Chapter 43:
  - Criminal justice agencies for the administration of criminal justice, criminal justice employment, screen persons with access to criminal justice facilities, procedures, and sensitive information;
  - Law enforcement agencies for issuing or renewing a license, permit, certification, or registration of authority from the agency including but not limited to watchmen, security personnel, private investigators;

- Agencies authorized by RSMo. Chapter 43 to submit fingerprints to the Central Repository;
- The Sentencing Advisory Commission for studying sentencing practices;
- Qualified entities screening providers defined in RSMo. Chapter 43;
- The Department of Revenue for driver license administration;
- The Department of Public Safety to determine eligibility for crime victims' compensation;
- The Department of Health and Senior Services for licensing and regulating facilities and in-home service provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled, care, and for investigative purposes authorized by law or presidential executive order.
- The Missouri State Highway Patrol Criminal Record Repository will request that the Federal Bureau of Investigation expunge the records from its files. This does not mean the FBI has to expunge your records as well, but they may do so, or at least make a note in their database of the expungement.
- You are "restored" to the status you had prior to the arrest, plea, or conviction, as if the event had never taken place.
- Any rights restricted as a collateral consequence of your criminal record are restored.
- For purposes of 18 U.S.C. Section 921(a)(33)(B)(ii)<sup>\*\*\*</sup>, an order or expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.
- You must disclose the expunged offense to any court when asked or upon being charged with a later, additional offense and it may be considered a prior offense when determining the sentence to be imposed on the later, additional offense.
- You may answer "no" to an employer's inquiry into whether you have ever been convicted of a crime if, after the granting of the expungement, you have no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. However, you must disclose the expunged offense when necessary to complete an application for any of the following:
  - License to practice in one's profession
  - Any gaming license under RSMo. Chapter 313
  - Any employment with a RSMo. Chapter 313 licensed entity
  - Any weapons license, such as a CCW permit, under RSMo. Chapter 571
  - Employment with banks
  - Employment with insurance entities; or
  - Employment with any employer that is required to

exclude applicants with certain criminal convictions due to a federal or state law or corresponding rules and regulations

- An employer is required to notify you of certain disclosure obligations.
- An expunged offense “may be a factor for denying employment, or a professional license, certificate, or permit” and can be grounds for automatic disqualification if state or federal laws specifically exclude applicants with certain criminal convictions.

### **Expunging your record because of identity theft under RSMo. § 610.145**

- The court will order that all entries using your name related to the apprehension, charge, or trial must be expunged from court records.
- The court will order all law enforcement agencies, the Department of Corrections, the Department of Revenue, or any other state or local government agency you identified in your Petition to expunge their records as well.

### **Expunging your record because of mistaken identity under RSMo. § 610.145**

- The court will order that all entries using your name related to the apprehension, charge, or trial must be expunged from court records.
- The court will order all law enforcement agencies, the Department of Corrections, the Department of Revenue, or any other state or local government agency you identified in your petition to expunge their records as well.

Expunging marijuana records as permitted under Amendment 3/Article 14. The impact of this type of expungement is discussed in more detail in the next section.

# MARIJUANA CONSTITUTIONAL AMENDMENT

Missouri voters decriminalized marijuana use in Missouri in November 2022 via Amendment 3. The Amendment provided for the expungement of eligible marijuana-related offenses for people currently incarcerated in a prison, jail, or halfway house. The Amendment also mandated the automatic expungement of some marijuana-related criminal records. One month later, on December 8, 2022, Amendment 3 went into effect as Article 14, Section 2 of the Missouri Constitution.

You will see references to Section 1 and Section 2 of Article 14 under the following expungement eligibility requirements. What the references mean is that you may be able to expunge marijuana-related criminal records if it would not have been criminal activity under Section 1 or Section 2 if they were in effect at that time. For example, if you have a marijuana-related criminal record from when you were 22 in 1996, you may be eligible for an expungement because, if Section 2 existed at that time, adults that are 21 or older would not have been engaging in criminal activity.

**Section 1 gives patients with qualifying medical conditions the right to use medical marijuana for treatment under the supervision of a physician or nurse practitioner.** Note: “This section is intended to make only those changes to Missouri laws that are necessary to protect patients, their primary caregivers, and their physicians and nurse practitioners from civil and criminal penalties, and to allow for the limited legal production, distribution, sale and purchase of marijuana for medical use. This section is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana and driving under the influence of marijuana.”

**Section 2 makes marijuana legal under state and local law for adults twenty-one years of age or older.** Note: “This section is not intended to allow for the public use of marijuana, driving while under the influence of marijuana, the use of marijuana in the workplace, or the use of marijuana by persons under twenty-one years of age.”

## Permissive Marijuana Expungement

**Marijuana-related expungements for people currently incarcerated in a prison, jail, or halfway house (either after trial or open or negotiated plea)**

This is considered a permissive marijuana expungement because it requires a person to file a petition with a court to seek the expungement.

A person is eligible if:

- They would not have been guilty of an adult or juvenile offense, had sections 1 and 2 of this Article been in effect at the time of the offense; or
- They would have been guilty of a lesser adult or juvenile offense had sections 1 and 2 of this Article been in effect at the time of the offense; or
- They are serving a sentence for a marijuana offense which is a misdemeanor, a class E felony, or a class D felony, or successor designations, involving possession of **three pounds or less** of marijuana.

Offenses involving distribution or delivery to a minor, any offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana are not eligible.

A person is not eligible for expungement if their marijuana-related offense occurred while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in RSMo. § 307.400 or its successor provisions.

The eligible person may petition the sentencing court to vacate their sentence, order immediate termination of supervision by the Department of Corrections, and the expungement of all government records of the case. If the person is eligible under this provision, the court must grant the expungement of all applicable marijuana offenses from all government records, absent good cause for denial.

Upon expungement, the person is “restored” to the status they had prior to the arrest, plea, or conviction, as if the event had never taken place; and their conviction and sentence shall be vacated as legally invalid. They cannot be found guilty of perjury or otherwise giving a false statement by reason if they fail to share or acknowledge the related arrest, plea, trial, conviction, or expungement in response to any inquiry made of the person for any purpose, and no inquiry can be made for information relating to an expungement.

## Automatic Marijuana Expungements

These expungements are different because Amendment 3 requires Missouri courts to expunge eligible offenses and people should not have to file a petition to seek the expungement. However, we discuss delays in the process later in this guide and some possible steps you may wish to take in response to the court delays.

### **People currently on probation or parole for a marijuana law violation (either after trial or open or negotiated plea)**

- A person is eligible for an automatic expungement if:
  - They would not have been guilty of an adult or juvenile offense, had sections 1 and 2 of this Article been in effect at the time of the offense; or
  - They would have been guilty of a lesser adult or juvenile offense had sections 1 and 2 of this Article been in effect at the time of the offense; or
  - They are serving a sentence for a marijuana offense which is a misdemeanor, a class E felony, or a class D felony, or successor designations, involving possession of three pounds or less of marijuana.
- Offenses involving distribution or delivery to a minor, any offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana are not eligible.
- A person is not eligible for expungement if their marijuana-related offense occurred while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in RSMo. § 307.400 or its successor provisions.
- The sentencing court must vacate the eligible person's sentence by the Amendment's effective date (December 8, 2022). The court must also order the immediate termination of their supervision by the Department of Corrections and the expungement of all government records of the case. If the person is eligible under this provision, the court must grant the expungement of all applicable marijuana offenses from all government records, absent good cause for denial.
- Upon expungement, the person is "restored" to the status they had prior to the arrest, plea, or conviction, as if the event had never taken place; and their conviction and sentence shall be vacated as legally invalid. They cannot be found guilty of perjury or otherwise giving a false statement by reason if they fail to share or acknowledge the related arrest, plea, trial, conviction, or expungement in response to any inquiry made of the person for any purpose, and no inquiry can be made for information relating to an expungement.

### **People with misdemeanor marijuana offenses and who are no longer incarcerated or under the supervision of the Department of Corrections**

- Missouri's circuit courts must order the expungement of the criminal history records of all misdemeanor marijuana offenses by June 8, 2023.
- The court order must expunge all records and files related to the offense and underlying arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation.

- The expungement order is legally effective immediately and the person is "restored" to the status they had prior to the arrest, plea, or conviction, as if the event had never taken place; and their conviction and sentence shall be vacated as legally invalid.
- The court is required to provide notice of the expungement to the person at their last known address, and to the arresting agency, prosecuting attorneys, central state depository of criminal records, and any other entity that may have a record related to the order to expunge.
- The Missouri State Highway Patrol Criminal Record Repository will request that the Federal Bureau of Investigation expunge the records from its files. This does not mean the FBI has to expunge your records as well, but they may do so, or at least make a note in their database of the expungement.
- The court must issue the person receiving the expungement a certificate stating that the offense of which they were convicted has been expunged and that its effect is to invalidate the record of arrest, conviction, and sentence.
- The person is not required to acknowledge the existence of the criminal history or answer questions about the record in any application for employment, license or civil right or privilege or in an appearance as a witness in any proceeding.
- The person may deny the existence of the record regardless of whether they received notice from the court that an expungement order has been issued on their behalf.
- The person may not be prosecuted again for the vacated or expunged offense.

### **People with felony marijuana offenses and who are no longer incarcerated or under the supervision of the Department of Corrections**

- Missouri's circuit courts must order the expungement of the criminal history records of all applicable felony marijuana offenses by December 8, 2023.
- The person must have completed their sentence for any felony marijuana offenses and any marijuana offenses that would no longer be a crime after the effective dates of sections 1 and 2 of Article.
  - This provision excludes offenses involving distribution or delivery to a minor, any offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana.
- The court order must expunge all records and files related to the offense and the underlying arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation.
- The expungement order is legally effective immediately and the person is "restored" to the status they had prior to the arrest, plea, or conviction, as if the event had never taken place; and their conviction and sentence shall be vacated as legally invalid.



- The court is required to provide notice of the expungement to the person at their last known address, and to the arresting agency, prosecuting attorneys, central state depository of criminal records, and any other entity that may have a record related to the order to expunge.
- The Missouri State Highway Patrol Central Record Repository will request that the Federal Bureau of Investigation expunge the records from its files. This does not mean the FBI has to expunge your records as well, but they may do so, or at least make a note in their database of the expungement.
- The court must issue the person receiving the expungement a certificate stating that the offense of which they were convicted has been expunged and that its effect is to invalidate the record of arrest, conviction, and sentence.
- The person is not required to acknowledge the existence of the criminal history or answer questions about the record in any application for employment, license or civil right or privilege or in an appearance as a witness in any proceeding.
- The person may deny the existence of the record regardless of whether they received notice from the court that an expungement order has been issued on their behalf.
- The person may not be prosecuted again for the vacated or expunged offense.
- The court must issue the person receiving the expungement a certificate stating that the offense of which they were convicted has been expunged and that its effect is to invalidate the record of arrest, conviction, and sentence.
- The person is not required to acknowledge the existence of the criminal history or answer questions about the record in any application for employment, license or civil right or privilege or in an appearance as a witness in any proceeding.
- The person may deny the existence of the record regardless of whether they received notice from the court that an expungement order has been issued on their behalf.
- The person may not be prosecuted again for the vacated or expunged offense.

**People with Class A, Class B, Class C, or successor designations, felony marijuana offenses, and all Class D, or successor designation, felony marijuana offenses for possession of more than three pounds of marijuana**

- Missouri’s circuit courts must order the expungement of the criminal history records upon the completion of the person’s incarceration, including any supervised probation or parole.
- The court order must expunge all records and files related to the offense and the underlying arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation.
- The expungement order is legally effective immediately and the person is “restored” to the status they had prior to the arrest, plea, or conviction, as if the event had never taken place; and their conviction and sentence shall be vacated as legally invalid.
- The court is required to provide notice of the expungement to the person at their last known address, and to the arresting agency, prosecuting attorneys, central state depository of criminal records, and any other entity that may have a record related to the order to expunge.
- The Missouri State Highway Patrol Central Record Repository will request that the Federal Bureau of Investigation expunge the records from its files. This does not mean the FBI has to expunge your records as well, but they may do so, or at least make a note in their database of the expungement.

- The court must issue the person receiving the expungement a certificate stating that the offense of which they were convicted has been expunged and that its effect is to invalidate the record of arrest, conviction, and sentence.
- The person is not required to acknowledge the existence of the criminal history or answer questions about the record in any application for employment, license or civil right or privilege or in an appearance as a witness in any proceeding.
- The person may deny the existence of the record regardless of whether they received notice from the court that an expungement order has been issued on their behalf.
- The person may not be prosecuted again for the vacated or expunged offense.

## Missouri’s Automatic Expungements are Behind Schedule

The automatic expungements for qualifying misdemeanor marijuana offenses were to be completed by June 8, 2023, and by December 8, 2023, for felony marijuana offenses. Unfortunately, not all of Missouri’s court records are digitized. This means that some parts of the courts’ recordkeeping system do not allow for a quick mass expungement process nor does it tell us how many cases need to be reviewed for eligibility.

We checked in with the Missouri Office of State Court Administrator in June 2024 about the status of the marijuana expungement reviews and, while some jurisdictions have completed their work, others are still in the thick of their review. We will monitor the automatic expungement process and plan to include updates on our website at [www.prosestl.org](http://www.prosestl.org).

## What do I do if I have a marijuana-related arrest or conviction and I think it is eligible for an automatic expungement?

### Step 1: Check to see if your case was already expunged.

Look up your case on the Missouri Courts website Case.Net: <https://www.courts.mo.gov/cnet/welcome.do>

- Your case does not appear on Case.Net, it is possible that the court has already expunged it. We encourage you to verify that is the case though instead of relying on this assumption. You can verify the status of the expungement by contacting the court clerk for the circuit court that has your marijuana-related criminal records.
- Your case does appear on Case.Net, move to Step 2.

## Step 2: Contact the Court Clerk

- Contact the court clerk for the circuit court that has your marijuana-related records and ask where they are in the automatic expungement review process. You will want your case number(s) nearby to provide to them during the call.
  - They may be able to give you a timeline of where they are in the process if it is possible to estimate at that time.
- You may want to ask if you can speed up the process by filing the petition, and whether you must pay the filing fees and court costs when filing that petition.
  - We hear mixed results from jurisdictions across the state when people file their own petitions for automated marijuana expungements.
- Some courts will not accept the filing.
- Some courts will accept the filing but will not process the petition until you come up through their review process. This means the person paid filing fees and court costs for something that is otherwise free and then may be out the money without any expedited process.

## Step 3: Make a Decision with the Information Available to You

- You have the option to do nothing and wait for the courts to work through the files.
- You can proceed and file your own marijuana expungement petition. Make sure that you use the correct court form for a marijuana expungement. Do not file a RSMo. § 610.140 petition to expunge a marijuana offense that would otherwise be automatically expunged under Amendment 3/Article 14, as you may end up wasting one of your lifetime-limited expungements under that statute.

form for a marijuana expungement. Do not file a RSMo. § 610.140 petition to expunge a marijuana offense that would otherwise be automatically expunged under Amendment 3/Article 14, as you may end up wasting one of your lifetime-limited expungements under that statute.

## Other common questions about the impact of marijuana-related offenses

Two important areas that we have seen people encounter barriers stemming from marijuana convictions are student loans and food stamps (SNAP) and we frequently hear from people trying to sort out their rights after Amendment 3 passed.

**Food Stamps (SNAP):** You should be able to get reevaluated and, ultimately, accepted for food stamps if you are eligible and the courts expunge your marijuana conviction(s). You will want to apply for food stamps in Missouri to start that process again. You may need to provide them with proof of your expungement if the offense is raised as an issue.

**Student Loans:** Drug convictions no longer impact federal student loan eligibility. It was long the case that you would not be eligible for federal student loans with drug-related criminal convictions. In 2021, the U.S. Department of Education removed the question about drug convictions from the student loan application (commonly referred to as “FAFSA”). Individuals who have received a marijuana expungement, including those who were previously denied loan assistance for minor marijuana possession and/or paraphernalia convictions, should now be eligible to apply for student loans.

## What if the court reviewed my marijuana-related record and determined that I am not eligible for an automatic expungement, but I think I am eligible?

- Start with Step 2 above and let the court clerk know you think you are eligible. They may be able to tell you the options available to you. If you are not given options or unsure what to do after talking with the court clerk, consult a lawyer and/or file your own marijuana expungement petition. Again, make sure that you use the correct court

# OTHER EXPUNGEMENT PROVISIONS

The following are additional statutes where you may be able to expunge an arrest or conviction under Missouri law. Unfortunately, there are no Missouri Court Forms prepared to help you expunge these matters. You will have to draft your own petition and may want to model it after the Court Forms provided for the other types of expungements. You will also still have to follow the steps for redaction and filing instructions explained in this guide.

## RSMo. § 610.130 – Alcohol-related driving/boating offenses

- You are only entitled to ONE expungement under this statute.
- If the expungement is granted, or ordered, by the court:
  - All records of arrest, plea, trial, and/or conviction are removed from official records.
  - The record is confidential and only available:
    - To the parties on the case; or
    - By court order to others where good cause is shown.
  - You are “restored” to the status you had prior to the arrest, plea, or conviction as if the event had never taken place.
  - You are no longer legally obligated to disclose the expunged arrest, plea, trial, and/or conviction to any entity for any reason. Conversely, those entities are barred from seeking information related to the former arrest, plea, trial, and/or conviction.
- You **are** eligible if:
  - You have a guilty plea or a conviction for a first intoxication-related traffic or boating offense that was a misdemeanor or county or city ordinance violation.
  - 10 years have passed since the guilty plea or conviction for a first intoxication-related traffic or boating offense that was a misdemeanor or county or city ordinance violation.
  - The offense occurred in Missouri.
- You **are not** eligible if:
  - You are trying to expunge any intoxication-related traffic or boating offense after the first incident.
  - Your guilty plea or conviction was for a felony intoxication-related traffic or boating offense.
  - Your guilty plea or conviction was for an incident in which you were driving a commercial vehicle while under the influence of alcohol.

- You have ever been issued a commercial driver's license or if you are required to possess a commercial driver's license issued by Missouri or any other state.
- After that first plea or conviction for an intoxication-related traffic or boating offense:
  - You were convicted of any additional intoxication-related traffic or boating offense.
  - You have an additional alcohol-related enforcement action by the Missouri Department of Revenue where your license was suspended or revoked in Missouri or any other state when:
    - (1) you refused to submit to chemical testing under an implied consent law; or
    - (2) you were convicted in Missouri or any other state for “a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.”
  - You have an intoxication-related traffic or boating offense pending in court or have an alcohol-related enforcement action pending with the Missouri Department of Revenue at the time of your expungement hearing.
  - The offense occurred in a state other than Missouri

## RSMo. § 610.131 – Prostitution charges when you were under 18 at the time of the offense

- There are no limits on the number of expungements you may file under this statute.
- If the expungement is granted, or ordered, by the court:
  - All records of arrest, plea, trial, and/or conviction are removed from official records.
  - The record is confidential and only available:
    - To the parties on the case; or
    - By court order to others where good cause is shown.
  - You are “restored” to the status you had prior to the arrest, plea, or conviction as if the event had never taken place.
  - You are no longer legally obligated to disclose the expunged arrest, plea, trial, and/or conviction to any entity for any reason. Conversely, those entities are

barred from seeking information related to the former arrest, plea, trial, and/or conviction.

- You **are** eligible if:
  - You have a guilty plea or conviction for prostitution (RSMo. § 567.020), and you were under the age of 18 at the time of your prostitution offense or acting under coercion when committing the offense.
  - The offense occurred in Missouri.
- You **are not** eligible for expungement under this particular statute if you were 18 or older at the time of your prostitution offense and the court believes your offense involved no element of coercion, and/or the offense occurred in a state other than Missouri.
- Intended for instances of sex trafficking, a person of any age may be eligible to have a prostitution charge expunged if they were coerced into committing the act. You will need to convince the judge that you were forced, manipulated, pressured, or otherwise coerced. You do not need the help of any of the following individuals to proceed with an expungement under this statute, but you may want to talk with a case worker, social worker, or other survivor advocate to help prove this in court, either to help you find the words to talk about your experience or to testify on your behalf in a clinical capacity.

### RSMo. § 311.326 – Minor in possession of alcohol

- You are only entitled to **one** expungement under this statute.
- If the expungement is granted, or ordered, by the court:
  - All records of arrest, plea, trial, and/or conviction are removed from official records.
  - The record is confidential and only available:
    - To the parties on the case; or
    - By court order to others where good cause is shown.
  - You are “restored” to the status you had prior to the arrest, plea, or conviction as if the event had never taken place.
  - You are no longer legally obligated to disclose the expunged arrest, plea, trial, and/or conviction to any entity for any reason. Conversely, those entities are barred from seeking information related to the former arrest, plea, trial, and/or conviction.
- You **are** eligible if:
  - You have entered a guilty plea or have been found guilty one time of being a minor (under 21) in possession of alcohol, meaning:

- You purchased, attempted to purchase, or had in your possession any intoxicating liquor;
- You were visibly in an intoxicated condition; or
- You had a detectable blood alcohol content of more than .02% or more by weight of alcohol in your blood

- You file the expungement petition not less than one year after reaching 21.
- Your offense occurred in Missouri.

- You **are not** eligible if:
  - You have any additional alcohol-related convictions after the first incident.
  - You have been issued a commercial driver’s license.
  - You were operating a commercial vehicle during the first incident.
  - Your offense occurred in another state.

### RSMo. § 568.040 – Criminal Non-Support

- You are only entitled to **one** expungement under this statute.
- If the expungement is granted, or ordered, by the court:
  - All records of arrest, plea, trial, and/or conviction are removed from official records.
  - The record is confidential and only available:
    - To the parties on the case; or
    - By court order to others where good cause is shown.
  - You are “restored” to the status you had prior to the arrest, plea, or conviction as if the event had never taken place.
  - You are no longer legally obligated to disclose the expunged arrest, plea, trial, and/or conviction to any entity for any reason. Conversely, those entities are barred from seeking information related to the former arrest, plea, trial, and/or conviction.
- You **are** eligible if:
  - You have a guilty plea or conviction of a felony offense for criminal nonsupport and
- You successfully completed probation.
- Your obligation to pay child support has been terminated. (See RSMo. § 452.340 to determine whether your child support obligation has been terminated.)
  - You have not been convicted of any additional offense (unless that offense is eligible for expungement);

- You paid all child support arrears; and
- You have no administrative child support actions pending at the time of the expungement hearing.
- Your offense occurred in Missouri.
- You **are not** eligible if:
  - You are still on probation for criminal non-support;
  - You still have a pending child support payment order;
  - You were convicted of any additional offense that is not eligible for expungement;
  - You owe child support arrears;
  - You have a pending child support action; or
  - Your offense occurred in another state.

## Conclusion

If you were able to use this guide to obtain a successful expungement, congratulations! Navigating the court system is not an easy task and is sometimes filled with many frustrating roadblocks. Let us know if you were able to use this guide to help you expunge your records.

If you were unable to obtain an expungement, do not give up! There are many organizations seeking to help individuals clear their records and make expungement more accessible to all, including ArchCity Defenders. Please visit our website for more information and to see if ACD, or others, can help you with the next steps on your journey.

[www.ProSeSTL.org](http://www.ProSeSTL.org)

# GLOSSARY

The following terms are all defined to reflect Missouri law and are not necessarily the same definitions of those terms under other state laws.

**Arrest:** An actual restraint of a person or by his/her/their submission to the custody of a law enforcement officer, under authority of a warrant or otherwise.

**Arresting Agency:** Law enforcement entity whose officers initiated the arrest (restraint) of an individual, who may or may not ultimately be charged with an offense.

**Case.Net:** Statewide, online database where most open Missouri court records can be found: <https://www.courts.mo.gov/cnet/>.

**Charge:** The formal statement that details what the arrested person is accused of doing and which statute or ordinance they allegedly violated. A charge may be brought by a complaint or information, which is a sworn statement filed in court by a prosecutor; or by an indictment, which is issued by a grand jury.

**Closed Record:** Any record unable to be viewed by the public without a court order or good cause. Authorized parties such as criminal justice agencies, licensing agencies, and the Department of revenue may still have access to these records for certain purposes.

**Conviction:** In Missouri, a conviction is a finding of guilt resulting from a plea of guilty, jury trial, or bench trial. One important distinction: successfully completed suspended imposition of sentence (SIS) probation does not result in a conviction under Missouri law. Some people frequently receive SIS probation for their first criminal case. However, a suspended execution of sentence (SES) is a conviction regardless of whether you successfully complete probation.

**Criminal Record:** Records associated with violations of statutes or ordinances, arrests, charges, and/or convictions.

**Expungement:** The process by which a criminal record is destroyed or sealed from public state record.

**Expungement Hearing:** An appearance in court where evidence is presented to obtain an expungement

**Felony:** A violation of state criminal statutes punishable by a sentence of more than one year in prison.

**Fine:** A penalty requiring the payment of money.

**Good cause:** A legally sufficient reason for a ruling or other action by a judge.

**Guilty Plea:** A formal admission of guilt to a charge, made to the judge, and having the same effect as being found guilty after a trial. It is generally followed by sentencing to probation, jail/prison time, and/or fines.

**Infraction:** Rules, laws, or regulations where the only sentence authorized is a fine or a fine and forfeiture.

**Juvenile Record:** A record of criminal offense(s) committed prior

to reaching the age of 18.

**Misdemeanor:** A violation of state law or local ordinance punishable by a sentence of up to one year in jail.

**Nolle prossed:** Comes from the Latin phrase Nolle prosequi, which translates to “not to wish to prosecute.” In simplified terms, it means dismissed or you were found not guilty of the offense/violation.

**Notice:** Document making the parties to a legal proceeding aware of a particular event or filing.

**Offense:** Blanket term for any violation of a state criminal statute or municipal or county ordinance that results in punishment. Includes felonies, misdemeanors, infractions, and ordinance violations.

**Open Record:** Any record viewable by members of the public.

**Ordinance:** Rules, laws, or regulations as enacted by a county, city, or town that are punishable by jail time, a fine, or other civil penalty.

**Petition:** A formal request made to and seeking a specific action by the court.

**Petitioner:** The person making or filing a formal request to the court.

**Respondent/Defendant:** The person or person(s) responding to a petition or legal filing. They are sued or accused in court.

**Restitution:** Payment ordered by the court to be made to a victim because of injury or loss in a criminal or municipal ordinance violation case.

**RSMo. § (number):** A citation or abbreviation for the Revised Statutes of Missouri.

**Service:** The delivery of a summons and a copy of the petition filed to all responding parties.

**Statute:** A law enacted by a legislative body.

**Subsequent:** Happening after something else.

**Summons:** A directive from the court asking or requiring parties to appear for court proceedings.

**Suspended Execution of Sentence (SES):** A special disposition in criminal or municipal ordinance violation cases that follows a plea or finding of guilt that is a conviction under Missouri law. If the person does not successfully complete the probation and it is revoked, they must then “execute” or complete the sentence.

**Suspended Imposition of Sentence (SIS):** A special disposition in criminal or municipal ordinance violation cases that follows a plea or finding of guilt but does not count as a conviction under Missouri law. Usually associated with a term of probation (“SIS probation”) that can lead to imposition of sentence if violated. Upon successful completion of an SIS probation, the record of the case is closed to the public.

# ADDRESS & CONTACT INFORMATION FOR COURT FORMS

Missouri courts require you to enter address and contact information for the people, agencies, and organizations that have your criminal records in your court filings when you seek an expungement. We wanted to share some of that information and/or let you know how to find the information. The addresses and phone numbers listed are good as of the June 2024 publication of this guide.

## Circuit Court Division \_\_\_\_\_

- Use the information you obtain about the court via the Missouri Courts Website: <https://www.courts.mo.gov/#findacourt> or you can call the court and ask them which information you should use.

## Associate Circuit Court Division

- Use the information you obtain about the court via the Missouri Courts Website: <https://www.courts.mo.gov/#findacourt> or you can call the court and ask them which information you should use.

## Municipal Court Division

- You can get the court telephone number at the via the Missouri Courts Website: <https://www.courts.mo.gov/mcw/findacourt/muniDivisionList.htm> and you can call and ask them which address information to use.

## Missouri State Highway Patrol (MSHP), Criminal Justice Information Services (CJIS) Division and/or Central Record Repository

- Use the following address: 1510 East Elm Street, Jefferson City, Missouri 65101
- Use the following telephone number: (573) 526-6153

## Prosecuting Attorney(s)/Circuit Attorney(s) (include name of county or city) \_\_\_\_\_

- Unfortunately, there is not one official resource that contains information about all of the prosecuting or circuit attorneys in the State of Missouri.
- The best way to obtain this information is to either search on the internet for the prosecuting or circuit attorney for the county or the city where you are seeking an expungement or call the court clerk for that county or city and ask them for the contact information for the prosecuting or circuit attorney's office. You can then contact that office and ask them for their address to use for your expungement petition.

## Missouri Department of Revenue

- Use the following address: 301 West High Street, Jefferson City, MO 65101
- Use the following telephone number: (573) 751-4600

## Missouri State Highway Patrol Troop \_\_\_\_\_

- You can find contact information for each of the troop headquarters at the following website: <https://www.mshp.dps.missouri.gov/MSHPWeb/DevelopersPages/Troop-Headquarters/troopIndex.html>

## County Sheriff's Department

- Unfortunately, there is not one official resource that contains information about all of the county sheriffs in the State of Missouri.
- The best way to obtain this information is to either search on the internet for the sheriff's department for the county where you are seeking an expungement or call the court clerk for that county and ask them for the contact information for the sheriff's department. Then, you can contact that office and ask them for their address to use for your expungement petition.

## Municipal Police Department

- Unfortunately, there is not one official resource that contains information about all of the municipal police departments in the State of Missouri.
- The best way to obtain this information is to either search on the internet for the police department for the city or municipality where you are seeking an expungement or call the city's municipal government to ask them for the contact information for the police department. Then, you can contact that office and ask them for their address to use for your expungement petition.

## Missouri Department of Corrections (needs to be included if you are expunging a conviction)

- Use the following address: 2729 Plaza Drive, Jefferson City, Missouri 65102
- Use the following telephone number: (573) 751-2389

## Other

For any other offices, departments, or agencies added to "other," you will want to make sure you include contact information for each of them.

# INELIGIBLE OFFENSES UNDER RSMO. § 610.140

The following offenses, violations, and infractions shall not be eligible for expungement under RSMo. § 610.140 as of the date of this guide's publication in June 2024:

- Any Class A Felony;
- Any Dangerous Felony as that term is defined in RSMo. § 556.061 (listed below)
  - Felony arson in the first degree
  - Felony assault in the first degree
  - Felony attempted rape in the first degree if physical injury results
  - Felony attempted forcible rape if physical injury results
  - Felony attempted sodomy in the first degree if physical injury results
  - Felony attempted forcible sodomy if physical injury results
  - Felony rape in the first degree
  - Felony forcible rape
  - Felony sodomy in the first degree
  - Felony forcible sodomy
  - Felony assault in the second degree if the victim of such assault is a special victim as defined in RSMo. § 565.002.14
  - Felony kidnapping in the first degree
  - Felony kidnapping
  - Felony murder in the second degree
  - Felony assault of a law enforcement officer in the first degree
  - Felony domestic assault in the first degree
  - Felony elder abuse in the first degree
  - Felony robbery in the first degree
  - Felony armed criminal action
  - Felony conspiracy to commit an offense when the offense is a dangerous felony
  - Felony vehicle hijacking when punished as a class A felony
  - Felon statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense
  - Felon statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense
  - Felony child molestation in the first or second degree
  - Felony abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under RSMo. § 568.060
  - Felony child kidnapping
  - Felony parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under RSMo. § 565.153
  - An "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in RSMo. § 577.001
- Any offense that requires registration as a sex offender
- Any felony offense where death is an element of the offense
- Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping
- Any offense listed, or previously listed, in RSMo. § 566 Sexual Offenses or
  - RSMo. § 105.454 (Prohibited Acts by Public Officials)
  - RSMo. § 105.478 (Penalty)
  - RSMo. § 115.631 (Class One Election Offenses)
  - RSMo. § 130.028 (Discrimination/Intimidation related to political views/voting)
  - RSMo. § 188.030 (Abortion of viable unborn child)
  - RSMo. § 188.080 (Abortion by other than physician)
  - RSMo. § 191.677 (Knowingly infect another with serious infection or communicable disease)
  - RSMo. § 194.425 (Abandonment of a corpse)
  - RSMo. § 217.360\* (Delivery/concealment on premises of correctional center)
  - RSMo. § 217.385 (Violence or injury to another or property in Mo Dept of Corrections)
  - RSMo. § 334.245 (No person other than physician to perform abortion)
  - RSMo. § 375.991 (Fraudulent insurance act)
  - RSMo. § 389.653 (Trespass to railroad property)
  - RSMo. § 455.085 (Violation of Domestic Violence Order)
  - RSMo. § 455.538 (Violation of Child Protective Order)
  - RSMo. § 557.035 (Hate offense)
  - RSMo. § 565.084\*\* (Tampering with a Judicial Officer)
  - RSMo. § 565.085\*\* (Endangering a Corrections Employee)
  - RSMo. § 565.086\*\* (Endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender)
  - RSMo. § 565.095\*\* (Cross burning)
  - RSMo. § 565.120 (Kidnapping in the second degree)
  - RSMo. § 565.130 (Kidnapping in the third degree)
  - RSMo. § 565.156 (Child Abduction)
  - RSMo. § 565.200\*\* (Owner or employee of skilled nursing facility or an Alzheimer's special unit or program has sexual contact or sexual intercourse with a resident)
  - RSMo. § 565.214\* (Vulnerable person abuse in the third degree)



- RSMo. § 566.093 (Sexual misconduct in the first degree)
- RSMo. § 566.111 (Sex with an animal)
- RSMo. § 566.115 (Sexual conduct with a nursing facility resident or vulnerable person in the first degree)
- RSMo. § 568.020 (Incest)
- RSMo. § 568.030 (Abandonment of child in the first degree)
- RSMo. § 568.032 (Abandonment of a child in the second degree)
- RSMo. § 568.045 (Endangering the welfare of a child in the first degree)
- RSMo. § 568.060 (Abuse or neglect of a child)
- RSMo. § 568.065 (Abuse or neglect of a child)
- RSMo. § 568.080\*\* (Child used in sexual performance)
- RSMo. § 568.090 \*\* (Promoting sexual performance by a child)
- RSMo. § 568.175 (Trafficking in children)
- RSMo. § 569.030\*\* (Robbery in the second degree)
- RSMo. § 569.035\* Pharmacy robbery in the second degree
- RSMo. § 569.040 (Arson in the first degree)
- RSMo. § 569.050 (Arson in the second degree)
- RSMo. § 569.055 (Knowingly burning or exploding)
- RSMo. § 569.060 (Reckless burning or exploding)
- RSMo. § 569.065 (Negligent burning or exploding)
- RSMo. § 569.067\* (Negligently setting fire to a woodland, cropland, grassland, prairie, or marsh)
- RSMo. § 569.072\*\* (Water Contamination)
- RSMo. § 569.160 (Burglary in the first degree)
- RSMo. § 570.025 (Robbery in the second degree)
- RSMo. § 570.090 (Forgery)
- RSMo. § 570.180 (Defrauding secured creditors)
- RSMo. § 570.223 (Identity Theft)
- RSMo. § 570.224 (Trafficking in stolen identities)
- RSMo. § 570.310 (Mortgage Fraud)
- RSMo. § 571.020 (Possession, manufacture, transport, repair, or sale of certain weapons)
- RSMo. § 571.060 (Unlawful transfer of weapons)
- RSMo. § 571.063 (Fraudulent purchase of a firearm)
- RSMo. § 571.070 (Possession of firearm unlawful for certain persons)
- RSMo. § 571.072 (Unlawful possession of an explosive weapon)
- RSMo. § 571.150 (Use or possession of a metal-penetrating bullet during the commission of a crime)
- RSMo. § 574.070 (Promoting civil disorder in the first degree)
- RSMo. § 574.105 (Money laundering)
- RSMo. § 574.115 (Making a terrorist threat in the first degree)
- RSMo. § 574.120 (Making a terrorist threat in the second degree)
- RSMo. § 574.130 (Agroterrorism)
- RSMo. § 575.040 (Perjury)
- RSMo. § 575.095 (Tampering with a judicial officer)
- RSMo. § 575.153 (Disarming a peace officer or correctional officer)
- RSMo. § 575.155 (Endangering a corrections employee)
- RSMo. § 575.157 (Endangering a mental health employee, visitor, or another offender)
- RSMo. § 575.159 (Aiding a sexual offender)
- RSMo. § 575.195 (Escape from commitment, detention, or conditional release)
- RSMo. § 575.200 (Escape or attempted escape from custody)
- RSMo. § 575.210 (Escape or attempted escape from confinement)
- RSMo. § 575.220 (Failure to return to confinement)
- RSMo. § 575.230 (Aiding escape of a prisoner)
- RSMo. § 575.240 (Permitting escape)
- RSMo. § 575.350\* (Killing or disabling a police animal)
- RSMo. § 575.353 (Assault on a police animal)
- RSMo. § 577.078 (Water contamination)
- RSMo. § 577.703 (Bus hijacking)
- RSMo. § 577.706 (Planting a bomb or explosive in or near a bus or terminal)
- RSMo. § 578.008\*\* (Agroterrorism)
- RSMo. § 578.305\*\* (Bus hijacking)
- RSMo. § 578.310\*\* (Bombs and explosives placed in or near bus or terminal)
- RSMo. § 632.520 (Offender committing violence against an employee of the Department of Mental Health)
- Any offense eligible for expungement under RSMo. § 577.054\*\* or RSMo. § 610.130;
- Any intoxication-related traffic or boating offense as defined in RSMo. § 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section
- 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
- Any offense of RSMo. § 571.030, except any offense under RSMo. § 571.030.1(1) where the person was convicted or found guilty prior to January 1, 2017, or any offense under RSMo. § 571.030.1(4).

**Note:**

\* means the statutes were repealed by S.B. 491, 2014, effective 1-01-17

\*\* means the statutes were transferred by S.B. 491, 2014, effective 1-01-17



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# ARCHCITY DEFENDERS

*ArchCity Defenders (ACD)* is a holistic legal advocacy organization that combats the criminalization of poverty and state violence, especially in communities of color. ACD's foundation of civil and criminal legal representation, social services, impact litigation, policy and media advocacy, and community collaboration achieves and inspires justice and equitable outcomes for people throughout the St. Louis region and beyond.

## **Disclaimer:**

This guide is for general informational purposes only. While we try to make it as accurate and up to date as possible, laws can and do change. The information included in this guide is accurate as of June 2024.

The Missouri General Assembly passed legislation to change some of these laws in May 2024. However, those changes will not go into effect until January 1, 2025. If you should find this guide after January 1, 2025, we encourage you to visit our website at [www.prosestl.org](http://www.prosestl.org) for more information on the legislative changes and how they may impact you.

Nothing in this guide is legal advice from ArchCity Defenders. Your own situation may be different, and we cannot give you any advice about your specific case. If you have any questions, please talk to a lawyer. This guide is not an advertisement or solicitation. ArchCity Defenders is not acting as your lawyer by providing this guide as a resource. We expressly disclaim all liability that results from actions taken or not taken in reliance on this guide. We encourage you to consult an attorney before you take any action based on the information you have read in this guide.

[www.ProSeSTL.org](http://www.ProSeSTL.org)

### **OTHER GUIDES IN THIS SERIES, AVAILABLE ONLINE:**

- Guide #1:** Knowing Your Rights with the Police and Getting Out of Jail
- Guide #2:** Representing Yourself in St. Louis Municipal Courts
- Guide #3:** Representing Yourself When Facing Eviction
- Guide #4:** For Renters Finding and Moving into Housing in Missouri
- Guide #5:** Expunging Your Criminal Record in Missouri