

Step 1:

Determine if you and your offense(s) are eligible for expungement in Missouri.

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Directions:

Use the flowcharts and the eligibility lists in the following pages of this section to determine if you and your offense(s) are eligible for expungement. Each offense you want to expunge must be eligible before you can file to have it expunged. For each offense you want to expunge, find the appropriate flowchart/list and go through it to determine if the offense is eligible. If you determine all your offenses are eligible you can then move on to filling in your petition.

If you have some offenses that are eligible and others that are not, it is possible to seek expungement of some but not others. In most cases, you likely would not get enough benefit from doing so, unless you have a particular offense or offenses (within the lifetime limits) that are causing you the most problems. This is often true if you are able to expunge all of the felonies you have (maximum allowed is 2) even though you may have misdemeanors or ordinance violations remaining.

Some important things to keep in mind:

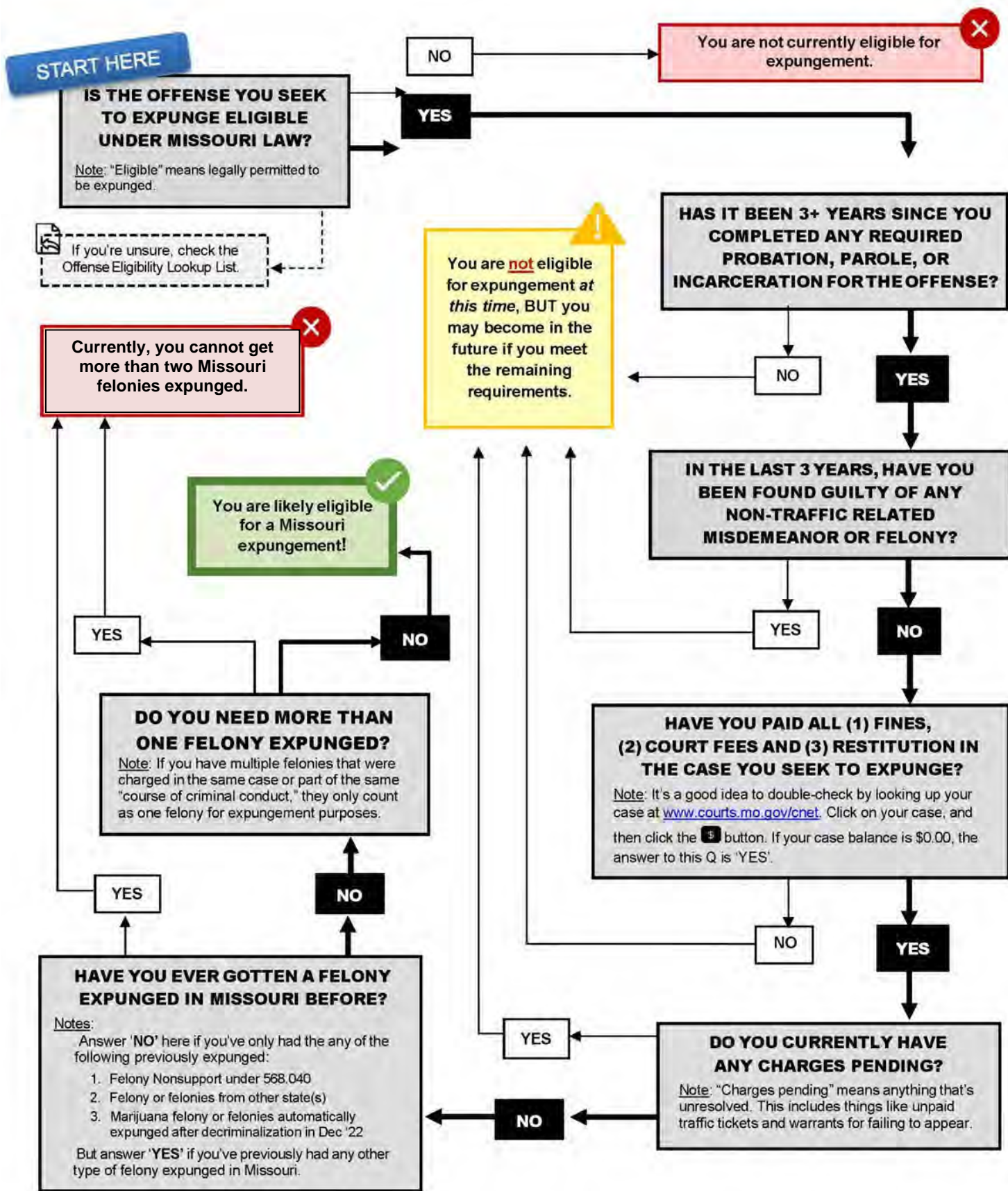
- **NOTE:** Missouri's main expungement law is Law 610.140
- **LIFETIME LIMIT RULE:** You can only get a TOTAL of TWO felony and THREE misdemeanors or ordinance violations with jail time authorized expunged over the course of your lifetime. You can get an unlimited number of infractions expunged.
 - There are some exceptions to the Lifetime Limit Rule and those exceptions are reflected in the flowcharts, but they are also worth briefly mentioning here:
 - **Course of Conduct Exception:** If you can show that the crimes were "committed as part of the same course of criminal conduct," they will only count as ONE offense (the highest level one) for the purpose of counting number of expungements. Unfortunately, there is not a clear definition of what same course of conduct means, but the crimes being in the same case is not enough. A recent Court of Appeals case said that, in determining "same course of criminal conduct," "two offenses, separated in time and alleged to be connected only through non-criminal acts, cannot be part of the 'same course of criminal conduct.'"
 - **Examples:**
 - If a person were charged with multiple offenses based on a single action (for example, both stealing and passing a bad check arising out of one incident), that *should* count as only one felony
 - A common type of case involves two or more sales to the same undercover drug operation in a two-week period. This would not meet the test. Even if those sales are separated by hours, because non-criminal conduct occurs in between (e.g., leaving and then returning for the second sale, it is probable that this would not meet the test.

If you want to try and use this exception to expunge more than two felonies and/or three misdemeanors, it is strongly recommended that you seek the assistance of an experienced attorney.

- **Unique Expungement Exceptions:** The following expungement types do not count towards the overall “Lifetime Limit” number:
 - Misdemeanor DUI expunged under Missouri Law 610.130
 - Marijuana offenses expunged under the Missouri Constitution
 - Felony Nonsupport expunged under Missouri Law 568.040
 - Juvenile Adjudications sealed under 211.321
 - Delivery of Intoxicating Liquor on Correctional Center Premises expunged under Missouri Law 221.111
 - Minor in Possession expunged under Missouri 311.226
 - Prostitution, under 18 or under coercion, expunged under Missouri 610.131
 - Arrest expungements under 610.122
 - Arrest or charges expunged based on Mistaken or Stolen Identity under 610.145
 - Offenses expunged in other states

- **COST:** Unless you qualify for and are granted a Fee-Waiver, the cost of expungement can total around \$160. The cost includes the following fees:
- Local Court Filing Fee – Varies County to County (Jackson County’s is \$112.50)
 - Service Costs – Averages from \$45-\$60, depending on type of service and number of Respondents.

Missouri FELONY Expungement Eligibility



Common FELONY Offense Eligibility Look Up List

A

Abuse or Neglect of a Child - Not Eligible
Armed Criminal Action - Not Eligible
Arson (1st or 2nd Degree)- Not Eligible
Arson (3rd Degree)- Eligible
Assault (Felony or Domestic) - Not Eligible
Assault (Non-Domestic, Non-Felony) - Eligible
Attempted Rape - Not Eligible

B

Burglary (1st Degree) - Not Eligible
Burglary (2nd Degree) - Eligible
Burning or Exploding - Not Eligible

C

Child Abuse or Neglect - Not Eligible
Child Abduction - Not Eligible

D

Defrauding Secured Creditors - Not Eligible
Driving While Revoked/Suspended - Eligible
Driving While Intoxicated (2+ DWI convictions) - Not Eligible
Drug Possession – Eligible
Drug Sale/Distribution/Production/Manufacture - Eligible
Drug Paraphernalia Possession - Eligible
Drug Trafficking (if NOT a Class A Felony) - Eligible

E

Endangering the Welfare of a Child (1st Degree) - Not Eligible
Escape from commitment - Not Eligible

F

Felon in Possession – Not Eligible
Forgery - Not Eligible
Fraudulently Stopping Instrument Payment - Eligible
Fraudulently Procuring Credit/ Debit Card - Eligible

G

Gambling- Eligible

H

Harassment - Eligible

K

Kidnapping - Not Eligible

L

Leaving Scene of Accident – Eligible

M

Manslaughter (Involuntary or Voluntary) - Not Eligible
Minor in Possession – Eligible
Money Laundering - Not Eligible
Murder - Not Eligible

N

Nonsupport (felony) - Eligible

→But utilizes a different process than flowchart; must be first and only felony nonsupport and must have all arrearages paid off.

Non-Violent Offenses, Non-Sexual Offenses (Most) - Eligible

P

Passing Bad Check - Eligible
Perjury - Not Eligible
Promoting Civil Disorder - Not Eligible
Property Damage - Eligible
Public Disorder - Eligible

R

Rape - Not Eligible
Receiving Stolen Property - Eligible
Resisting/Interfering with Arrest - Eligible
Robbery (1st or 2nd degree) - Not Eligible

S

Sex Offenses – Not Eligible
Offense Requiring Sex Offender Registration - Not Eligible
Statutory Rape - Not Eligible
Stealing - Eligible

T

Tampering w/ a Motor Vehicle - Eligible
Terrorist Threats (1st or 2nd Degree) - Not Eligible
Terrorist Threats (3rd Degree) - Eligible
Theft - Eligible
Trespassing - Eligible

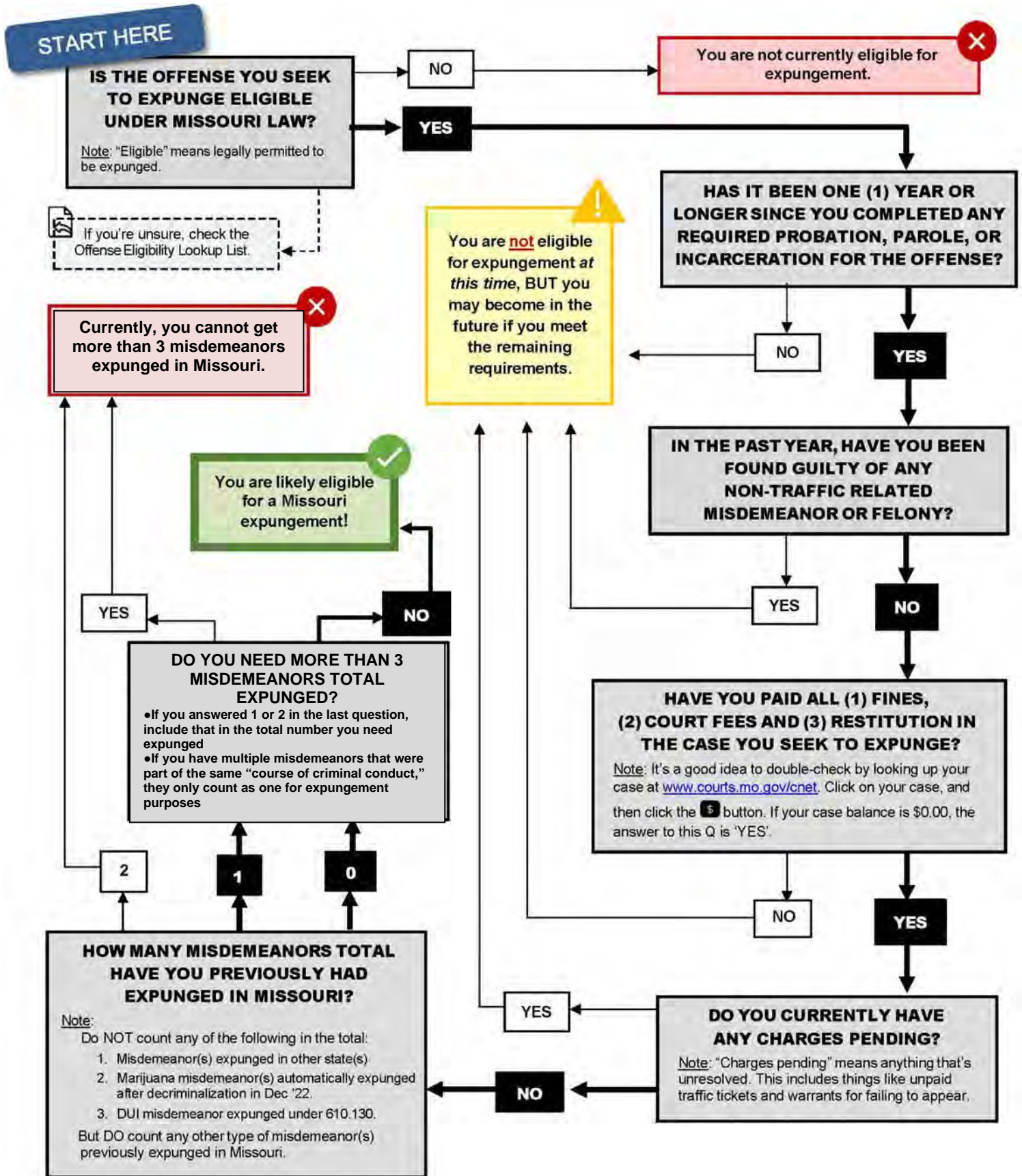
U

Unlawful Possession of a Firearm - Not Eligible
Unlawful Use of a Weapon (UUW) - Depends on Type
▪ **Concealed Carry (if before Jan 1, 2017) - Eligible**
Exhibiting - Eligible
Possession of Weapon with Drugs - Not Eligible
Shot at Motor Vehicle, Person or Building - Not Eligible
All Other Types of UUW- Not Eligible

V

Violent Offenses (Most) - Not Eligible
Violation of a Protective Order - Not Eligible

Missouri MISDEMEANOR Expungement Eligibility



Common MISDEMEANOR Offense Eligibility Look Up List

A

Arson (3rd Degree)- Eligible
Assault (Misdemeanor, Non-Domestic)- Eligible

B

C

D

Defrauding Secured Creditors - Not Eligible
Driving While Revoked/Suspended - Eligible
Driving While Intoxicated – Eligible

- But utilizes a different process than flowchart; must be first and only DUI, a misdemeanor, and 10 years must have passed with no alcohol enforcement contacts

Drug Possession – Eligible
Drug Paraphernalia Possession - Eligible

E

Endangering Welfare of Child (2nd Deg) - Eligible
Escape from commitment - Not Eligible

F

G

Gambling- Eligible

H

Harassment - Eligible

I

Infractions (Most) - Eligible

J

Juvenile Adjudications - Eligible

- But utilize a different process than flowchart

K

Kidnapping (Third Degree) – Not Eligible

L

Leaving Scene of Accident - Eligible

M

Minor in Possession – Eligible

- But utilize a different process than flowchart; must be first and only and can't be a CDL holder.

N

Nonsupport (misdemeanor) - Eligible
Non-Violent Offenses, Non-Sexual Offenses (Most) - Eligible

O

Ordinance Violations (Most) - Eligible

- Ordinance violations that are the *substantial equivalent* of an ineligible offense are NOT Eligible for expungement. For example, a domestic assault ordinance violation is not eligible for expungement.

P

Passing Bad Check - Eligible
Property Damage - Eligible
Public Disorder - Eligible

R

Receiving Stolen Property - Eligible
Resisting/Interfering with Arrest - Eligible

S

Sex Offenses – Not Eligible
Offense Requiring Sex Offender Registration - Not Eligible
Stealing - Eligible

T

Theft - Eligible
Traffic Violations (as long as no CDL) - Eligible
Trespassing - Eligible

U

Unlawful Possession of a Firearm - Not Eligible
Unlawful Use of a Weapon (UUV) - Depends on Type

- **Concealed Carry (if before Jan 1, 2017) - Eligible**
- **Exhibiting - Eligible**
- Possession of Weapon and Drugs - Not Eligible
- Shot at Motor Vehicle, Person or Building - Not Eligible
- All Other Types of UUV- Not Eligible

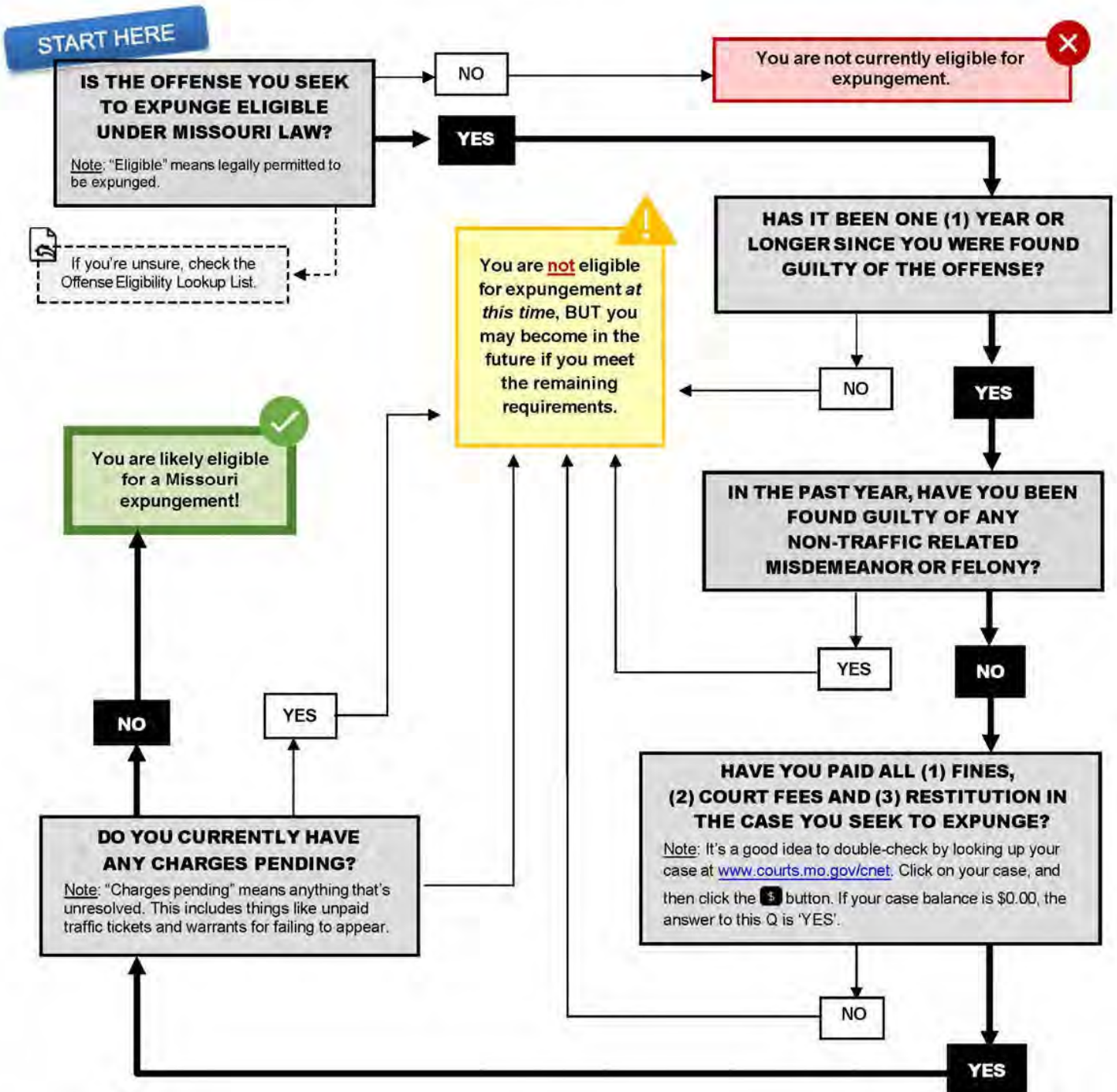
V

Violent Offenses (Most) - Not Eligible
Violation of a Protective Order - Not Eligible

Missouri INFRACTION Expungement Eligibility

Important Notes:

- Ⓢ Infractions are low-level offenses for which one is typically **not** sentenced to probation or incarceration, but rather to a fine. A parking ticket and a seatbelt violation are examples of infractions.
- Ⓢ You can get an **unlimited** number of Missouri infractions expunged.



Common INFRACTION Offense Eligibility Look Up List

A

B

C

D

E

F

G

H

I

Infractions (Most) - Eligible

J

K

L

M

N

Non-Violent Offenses, Non-Sexual Offenses (Most) - Eligible

O

Ordinance Violations (Most) - Eligible

- Ordinance violations that are the *substantial equivalent* of an ineligible offense are NOT Eligible for expungement.

P

R

S

T

Traffic Violations (as long as no CDL) - Eligible, not DUI/DWI

Trespass - Eligible

U

V