

The Clear My Record MO Project - UMKC Expungement Clinic

Phone: 816-235-1671 | Email: expungementclinic@umkc.edu | Website: www.clearmyrecordmo.org

Disclaimer: The UMKC Expungement Clinic has provided the information in this pamphlet as a service to the general public. Use of this pamphlet does not in any manner constitute an attorney-client relationship between the UMKC Expungement Clinic and the reader. While the information provided on this pamphlet is about legal issues, it is not intended as legal advice or as a substitute for the particularized advice of your own counsel. Anyone seeking specific legal advice or assistance should retain an attorney.

About the UMKC Expungement Clinic

What Services Do We Offer?

- Preliminary eligibility screenings
- Representation in expungement proceedings
- Limited assistance for those filing for expungement pro se
- Educational materials on Missouri's expungement law
- Assistance in directing individuals to re-entry resources

Do You Qualify for Our Services?

Our Clinic only represents individuals who:

- Are currently eligible for a Missouri expungement
- Cannot afford to hire a lawyer, AND
- Are likely to receive a real benefit from obtaining an expungement (meaning an expungement is likely to change their ability to find suitable employment, housing, etc.).

Do You Have to Pay Anything?

While you do not have to pay for our services, the court may require you to pay fees that can total up to \$450 per an expungement case. But if the court finds you are unable to pay, the fee may be waived. Our clinic will assess your finances to determine if you will have to pay the fee or not.

How Do You Apply to the Clinic?

Fill out an intake form on our website - www.clearmyrecordmo.org

How Long Does the Process Take?

It varies from court to court, but generally it takes 2.5 to 6 months from the time the petition is filed for the court to issue an order.

About Expungement:

Expungement Benefits:

- Record is not available to the general public.
- In most situations, it is as if the offense and conviction never occurred.
- You can legally say you were never convicted of the expunged offense on most applications for employment, housing, aid, etc.

Expungement Limitations:

- Record is not destroyed, it's sealed.
- Record is still available to courts, law enforcement, government agencies and employers in certain industries like childcare, elder care, finance, banking, law enforcement, etc.
- Doesn't force commercial background check sites to remove your record from their reports.

Are you eligible for a Missouri expungement?

Under current Missouri law, to successfully obtain an expungement and get your criminal record "cleared," you must meet the following requirements:

- (1) The offense or offenses on your record that you want expunged are eligible
- (2) Expungement would not cause you to exceed the legal lifetime expungement limit of ONE felony and TWO misdemeanor offenses total.
 - **Note:** Offenses charged in the same case count as only one for purposes of calculating lifetime limits (counts as the highest leveled offense in the case).
 - **Note:** You can get an unlimited number of infractions expunged, if they are not the "substantial equivalent of an ineligible offense."
- (3) You have satisfied the "Clean Waiting Period"
 - For felonies — at least 3 years have passed since you completed your sentence, and in the past 3 years, you cannot have been found guilty of any misdemeanor or felony offense(s) (excluding traffic violations).
 - For misdemeanors — same requirements as felonies, but one-year clean waiting period instead of three.
- (4) You do not still owe any fines, court costs, fees, or restitution on the case(s) you want to expunge.
- (5) You do not have any charges pending.
 - **Note:** Active warrants and unpaid traffic tickets = charges pending

ELIGIBLE offenses include but are not limited to:

- | | |
|---|---|
| <ul style="list-style-type: none">- 2nd Degree Burglary- 3rd Degree Arson;- DUI (if first & only DUI and 10 years have passed;- Drug Possession;- Drug Distribution (if not Class A Felony);- Drug Trafficking (if not Class A Felony);- 2nd Degree Endangering Welfare of Child;- Nonsupport;- Passing Bad Check; | <ul style="list-style-type: none">- Property Damage;- Stealing;- Theft;- Receiving Stolen Property;- Tampering w/ Motor Vehicle;- Misdemeanor Assault (if non-domestic)- Most Infractions & Ordinance Violations;- Most Traffic Violations (if not a CDL holder);- And Many Others. |
|---|---|

NOT ELIGIBLE offenses include but are not limited to:

- | | |
|--|---|
| <ul style="list-style-type: none">- All Sex Offenses;- Most Violent Offenses;- Class 'A' Felonies;- Felony or Domestic Assault- Armed Criminal Action;- Arson - 1st or 2nd Degree- Burning and Exploding;- Forgery; | <ul style="list-style-type: none">- 1st Degree Burglary- 1st Degree Endangering Welfare of Child;- DUI (if 2+ DUIs);- Kidnapping;- Robbery;- And Other Similar Offenses. |
|--|---|

If you think you may be eligible to have your Missouri criminal record expunged, apply to our Clinic at our website today! Even if you are not currently eligible for an expungement, the law is in a state of flux and may change someday to make you become eligible. You can also visit our website to see if the law has changed and to find second chance resources.