

**IN THE 39TH JUDICIAL CIRCUIT OF MISSOURI  
BARRY, LAWRENCE & STONE COUNTIES  
All Divisions**

**February 9, 2023  
Effective February 9, 2023**

**IN RE: Expungements Pursuant to Article XIV, Section 2 of the Missouri Constitution  
*Administrative Order 23AO-01***

**ORDER**

WHEREAS, under Article XIV, Section 2 of the Missouri Constitution, persons previously convicted of certain marijuana-related offenses may be eligible to have their sentence automatically vacated by the sentencing court and the expungement of all records of the marijuana-related case, absent good cause for denial, and

WHEREAS, Article XIV, Section 2 of the Missouri Constitution provides for a petition-based process for any person who is currently incarcerated for a marijuana-related offense and an automatic process for such persons who are currently on probation or parole, or who have completed their sentence and been released from jail, prison, or supervision by the Department of Corrections for eligible marijuana-related offenses, and

WHEREAS, the effective time periods associated with the obligation of Courts to either process petitions for expungement or to automatically expunge records of eligible persons require the implementation of certain processes to consider petitions, review voluminous and in some cases decades-old Court records, and to enter appropriate Orders – all in accordance with the requirements of the law, including, but not limited to, guidelines and rules provided/issued by the Office of State Courts Administrator and/or the Supreme Court of Missouri, as well as any applicable Circuit Court Rules,

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Any person currently incarcerated in a prison, jail or halfway house and who wishes the expungement of all records of arrest, pleas, trial and conviction for a marijuana-related offense potentially eligible for expungement under the provisions of Article XIV, Section 2 of the Missouri Constitution may file a petition for expungement in the Circuit Court of the county in which such person was arrested for such offense. Such petitions shall be processed and adjudicated in accordance with and within the timelines set forth in Article XIV, Section 2 of the Missouri Constitution, Supreme Court Rule 155, Supreme Court Operating Rule 4 and/or applicable processes and forms provided by the Office of State Courts Administrator, as well as in accordance with this Court's Local Rules.

2. The Court shall continue to undertake an ongoing and comprehensive review of Court and other records regarding those persons who may be eligible for automatic expungement of certain marijuana-related convictions in accordance with the provisions of Article XIV, Section 2 of the Missouri Constitution. Such review shall continue with the Circuit Clerks reviewing the information and guidance provided by the Office of State Courts Administrator regarding electronic cases that are potentially eligible for expungement, and preparing the form judgment and orders provided by the Office of State Courts Administrator for the court's review. Such review shall include the running of periodic updates from COGNOS, not less than monthly, and such other information provided by the Office of State Courts Administrator. The Circuit Clerks shall provide periodic updates on the progress of the review to the Presiding Judge as requested.
3. The Court, through its judicial personnel and subject to appropriations for additional resources, shall take all reasonable steps to complete the processes required by Article XIV, Section 2 of the Missouri Constitution in accordance with the deadlines set forth therein. Circuit Clerk staff shall track and record the time spent working on marijuana expungements on the Marijuana Expungement Timesheets prepared by the Office of States Courts Administrator.
4. Upon completion of review of electronic files, the Circuit Clerks shall commence review of paper files, or remaining portions of files, microfiche, index cards, or other methods used to previously maintain records. The Court recognizes that the review of such materials may be timely, burdensome and in some cases impossible to accomplish due to the age and condition of certain files and documents. The Circuit Clerks shall use all due diligence to accomplish this review under the circumstances that exist. After exhausting such due diligence, the Circuit Clerks shall prepare a summary report to the Presiding Judge of the review detailing the circumstances that may exist preventing them from completing a full review.
5. Article XIV, Section 2 of the Missouri Constitution requires Courts to keep a special index of cases expunged in accordance with its provisions, together with the expungement order and any certificate issued. This index and all required information shall be prepared and maintained by the Circuit Clerks pursuant to guidance from the Office of State Courts Administrator.
6. The Circuit Clerks shall forward reviewed cases to the Honorable Scott Sifferman for judicial review as set forth herein. The Circuit Clerk shall make a docket entry of such action, using such OSCA approved code as may be developed, ensuring that the State shall receive notice.
7. Upon judicial review, those cases or counts found eligible for automatic expungement shall have the appropriate expungement order entered within 30 days of assignment.
8. All petitions for expungement shall be heard by the Circuit Judge.

Day-to-Day

A handwritten signature in dark ink, appearing to read 'D. Cole', is written over a horizontal line.

David A. Cole, Presiding Judge