

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

December 9, 2022
Effective December 9, 2022

IN RE: **Marijuana Expungement**
 Administrative Order 2022-01

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. Commencing immediately, the Court shall undertake a 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 provision of Article XIV, Section 2 of the Missouri Constitution. Such review shall begin with the Circuit Clerks reviewing the information and guidance provide by the Office of State Courts Administrator regarding cases that are potentially eligible for expungement, and preparing the form orders provided by the Office of State Courts Administrator for the Court's review.
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.
4. 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.

Day-to-Day

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

David A. Cole, Presiding Judge