

The State of Missouri disqualifies people with certain criminal convictions from working with people with disabilities. If you have a disqualifying conviction, you may be able to apply for an “exception” that allows an employer to hire you despite the conviction if the exception is granted. In addition, Missouri has a process that allows for the “expungement” (legal process in which criminal records of arrests or convictions are sealed) of certain records. This document is intended to help you understand the law and process for obtaining an exception and/or an expungement. **It is not intended as individual legal advice.**

In accordance with Section 630.170 of the Revised Statutes of Missouri, persons disqualified from employment because of some criminal convictions, may be granted an exception from disqualification. The granting of an exception may provide eligibility for employment in a healthcare facility. In addition to the statute, state regulation, 9 CSR 10-5.190, Background Screening for Employees and Volunteers, requires providers funded by the Department of Mental Health (DMH) to inquire, prior to contact with residents or clients, whether the new employee, volunteer or members of the provider’s household who have contact with residents or clients are listed on the employee disqualification list of the Department of Health and Senior Services, the Department of Mental Health, the Department of Social Services, and do a criminal background check with the State Highway Patrol. The regulation lists offenses that disqualify a person from holding “any” position in a provider agency and also those crimes that disqualify a person from holding any position having contact with residents or clients. There is a procedure to request an exception from the DMH Exceptions Committee for some crimes. The procedure is set forth in 9 CSR 10-5.210 Exceptions Committee Procedures.

<https://www.sos.mo.gov/cmsimages/adrules/csr/current/9csr/9c10-5.pdf>

Missouri also has a new law with an effective date of January 1, 2018, which greatly expands the number of offenses for which Missourians can petition the court to seal their record after a required length of time, which means they are under restricted access and not available to the general public. This process is known as “expungement”. For those convictions that qualify for expungement, certain requirements must be met. The law, Section 610.140.10 RSMo, provides that *“A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer “no” to an employer’s inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction.”* **However, the new law also provides that the person** *“shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.*

Because this Agency is required to exclude applicants with certain convictions in accordance with State law and regulation as cited above, an applicant must disclose his or her convictions. <http://revisor.mo.gov/main/OneSection.aspx?section=610.140&bid=33573&hl>

If you are uncertain as to whether your criminal history must be reported, consult with an attorney. The Agency may not instruct you on how to answer the questions on the application related to criminal history.