

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY

ADMINISTRATIVE ORDER 2022- 139

**ADMINISTRATIVE ORDER**

Now on this 8th day of December, 2022, pursuant to section 478.240.2 RSMo, and applicable local rules:

WHEREAS, Article XIV, Section 2 of the Missouri Constitution, which legalizes the recreational use of marijuana, 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 such as the 16<sup>th</sup> Judicial Circuit to either process petitions for expungement or to automatically expunge records of eligible persons require the implementation of certain processes to consider petitions, review of voluminous and in some cases decades-old Court records, and the entering of appropriate Orders – all in accordance with the requirements of the law, including, but not limited to, the Missouri Constitution, 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 Jackson County if such person was arrested for such offense in Jackson County. 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 Jackson County 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 provisions of Article XIV, Section 2 of the Missouri Constitution. Such review shall begin with the Court Administrator for the 16<sup>th</sup> Judicial Circuit directing the review of information and guidance provided by the Office of State

Courts Administrator regarding cases that are potentially eligible for expungement, a process that is currently underway.

3. The processes for implementing the provisions of Article XIV, Section 2 of the Missouri Constitution as summarized herein, including the form and entry of appropriate orders, judgments, certifications and other case-related actions shall be in all respects as directed by the Office of State Courts Administrator and the Supreme Court of Missouri.


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 as may be directed by the Court Administrator of the 16<sup>th</sup> Judicial Circuit.

5. The 16<sup>th</sup> Judicial Circuit, through its judicial and other personnel, 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.

IT IS SO ORDERED.

December 8, 2022

\_\_\_\_\_  
Date

  
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J. Dale Youngs, Presiding Judge

cc: All Staff  
Missouri State Highway Patrol  
Jackson County Prosecuting Attorney