

FIRST REGULAR SESSION

HOUSE BILL NO. 276

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES EL-AMIN (Sponsor), COLONA, MCGHEE, ATKINS,
RUESTMAN, STILL, BROWN (50) AND SCHIEFFER (Co-sponsors).

0212L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 558, RSMo, by adding thereto one new section relating to sentencing of nonviolent offenders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 558, RSMo, is amended by adding thereto one new section, to be
2 known as section 558.047, to read as follows:

**558.047. 1. The sentencing court may, upon petition, permit a convicted person to
2 serve the full term of any sentence pronounced by the court as a member of the National
3 Guard in lieu of incarceration if the court determines that:**

4 **(1) The convicted person was convicted of a crime that did not involve violence or
5 the threat of violence; and**

6 **(2) The convicted person is not:**

7 **(a) A prior offender, a persistent offender, a dangerous offender, or a persistent
8 misdemeanor offender as defined in section 558.016; or**

9 **(b) A persistent sexual offender or predatory sexual offender as defined in section
10 558.018.**

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12 **The provisions of this section shall not be subject to any reduction in sentence, probation
13 or parole, or minimum prison terms. Any convicted person permitted to serve the term of
14 sentence pronounced by the court as a member of the National Guard in lieu of
15 incarceration shall be required to serve the full term of sentence pronounced by the court.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **2. The sentencing court shall have the power to revoke the National Guard service**
17 **in lieu of incarceration previously granted and commit the person to the department of**
18 **corrections. The sentencing court shall determine any conditions of such National Guard**
19 **service for the defendant that it deems necessary to ensure the successful completion of the**
20 **term of sentence, including supervision for any person while serving in the National Guard.**
21 **The sentencing court may require that the defendant pay restitution for his or her crime.**
22 **The National Guard service in lieu of incarceration may be revoked for failure to pay**
23 **restitution or for failure to conform his or her behavior to the conditions imposed by the**
24 **sentencing court.**

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