

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 154
96TH GENERAL ASSEMBLY

0467L.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 566.093 and 589.040, RSMo, and to enact in lieu thereof three new sections relating to the department of corrections, with penalty provisions.

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

Section A. Sections 566.093 and 589.040, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 559.117, 566.093, and 589.040, to read as
3 follows:

**559.117. 1. The director of the department of corrections is authorized to establish,
2 as a three-year pilot program, a mental health assessment process.**

**3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is
4 hearing the criminal case in a participating county may request that an offender be placed
5 in the department of corrections for one hundred twenty days for a mental health
6 assessment and for treatment if it appears that the offender has a mental disorder or
7 mental illness such that the offender may qualify for probation including community
8 psychiatric rehabilitation (CPR) programs and such probation is appropriate and not
9 inconsistent with public safety. Before the judge rules upon the motion, the victim shall
10 be given notice of such motion and the opportunity to be heard. Upon recommendation
11 of the court, the department shall determine the offender's eligibility for the mental health
12 assessment process.**

**13 3. Following this assessment and treatment period, an assessment report shall be
14 sent to the sentencing court and the sentencing court may, if appropriate, release the
15 offender on probation. The offender shall be supervised on probation by a state probation
16 and parole officer, who shall work cooperatively with the department of mental health to
17 enroll eligible offenders in Community Psychiatric Rehabilitation (CPR) programs.**

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.

18 **4. Notwithstanding any other provision of law, probation shall not be granted**
19 **under this section to offenders who:**

20 **(1) Have been convicted of murder in the second degree under section 565.021;**

21 **(2) Have been convicted of forcible rape under section 566.030;**

22 **(3) Have been convicted of statutory rape in the first degree under section 566.032;**

23 **(4) Have been convicted of forcible sodomy under section 566.060;**

24 **(5) Have been convicted of statutory sodomy in the first degree under section**
25 **566.062;**

26 **(6) Have been convicted of child molestation in the first degree under section**
27 **566.067 when classified as a class A felony;**

28 **(7) Have been found to be a predatory sexual offender under section 558.018; or**

29 **(8) Have been convicted of any offense for which there exists a statutory prohibition**
30 **against either probation or parole.**

31 **5. At the end of the three-year pilot, the director of the department of corrections**
32 **and the director of the department of mental health shall jointly submit recommendations**
33 **to the governor and to the general assembly by December 31, 2014, on whether to expand**
34 **the process statewide.**

 566.093. 1. A person commits the crime of sexual misconduct in the second degree if
2 such person:

3 (1) Exposes his or her genitals under circumstances in which he or she knows that his
4 or her conduct is likely to cause affront or alarm;

5 (2) Has sexual contact in the presence of a third person or persons under circumstances
6 in which he or she knows that such conduct is likely to cause affront or alarm; or

7 (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence
8 of a third person.

9 2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has
10 previously been convicted of an offense under this chapter, in which case it is a class A
11 misdemeanor, **or unless it is committed by a prisoner or offender in the presence of a minor**
12 **or an employee of, or person assigned to work in, any jail, prison, or correctional facility,**
13 **in which case it is a class D felony.**

 589.040. 1. The director of the department of corrections shall develop a program of
2 treatment, education and rehabilitation for all imprisoned offenders who are serving sentences
3 for sexual assault offenses. When developing such programs, the ultimate goal shall be the
4 prevention of future sexual assaults by the participants in such programs, and the director shall
5 utilize those concepts, services, programs, projects, facilities and other resources designed to
6 achieve this goal.

7 2. All persons imprisoned by the department of corrections for sexual assault offenses
8 shall be required to successfully complete the programs developed pursuant to subsection 1 of
9 this section **prior to being eligible for parole or conditional release.**

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