

HCS SB 681 -- PROBATION VIOLATIONS

SPONSOR: Cunningham

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Corrections by a vote of 9 to 1. Voted "Do Pass with HCS" by the Select Committee on Judiciary by a vote of 5 to 1.

This bill requires a probation officer who has probable cause to believe a probationer has violated a condition of probation to notify the prosecuting or circuit attorney.

This bill removes the offender from the list of individuals who can object. Currently, to the use of videoconferencing. Currently, videoconferencing must not be used if the offender, the victim, or the victim's family objects. The bill also removes the requirement that the parole board conduct a personal interview with the offender, permitting the interview to be conducted via videoconferencing.

The bill specifies that in all cases utilizing private probation services, the Department of Corrections' standards and procedures regarding drug and alcohol screening for clients must be used, and clients must not be required to travel in excess of 50 miles in order to attend their regular probation meetings.

The bill requires any inmate receiving an on-site non-emergency medical examination or treatment from the correctional facility's medical staff to be assessed 50 cents per visit. The language provides specified guidelines the department must follow when authorizing and charging for medical treatment of an inmate.

PROPOSERS: Supporters say that this bill changes a "may" to a "shall." Currently, a probation officer has discretion whether or not to notify the prosecuting or circuit attorney of a possible probation violation, this bill would make such notice mandatory, leaving the discretion to the prosecutor whether or not to issue a warrant.

Testifying for the bill was Senator Cunningham.

OPPOSERS: Those who oppose the bill say that using the word "shall" erodes the usage of the skills and knowledge of the probation officers. For example, missing one scheduled probation appointment would be probable cause for a violation. Reporting every single violation, even minor violations, will become cumbersome.

Testifying against the bill was Michael Smith, EMASS.

OTHERS: Others testifying on the bill say last year there were about 32,000 citations, and approximately 47,000 contacts with probationers which would each require a notice. This bill removes and limits the discretion of the probation officers.

Testifying on the bill were the Missouri Department Of Corrections, Ellis McSwain, and Julie Kempker, Probation And Parole.