

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1256, Page 36, Section 559.105, Line
2 28, by inserting after all of said section and line the following:

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4 “559.117. 1. The director of the department of corrections is authorized to establish, as a
5 three-year pilot program, a mental health assessment process.

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

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

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

22 (1) Have been found guilty of, or plead guilty to, murder in the second degree under
23 section 565.021;

24 (2) Have been found guilty of, or plead guilty to, forcible rape under section 566.030;

25 (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under
26 section 566.032;

27 (4) Have been found guilty of, or plead guilty to, forcible sodomy under section 566.060;

28 (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree
29 under section 566.062;

1 (6) Have been found guilty of, or plead guilty to, child molestation in the first degree
2 under section 566.067 when classified as a class A felony;

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

4 (8) Have been found guilty of, or plead guilty to, any offense for which there exists a
5 statutory prohibition against either probation or parole.

6 5. At the end of the three-year pilot, the director of the department of corrections and the
7 director of the department of mental health shall jointly submit recommendations to the governor
8 and to the general assembly by December 31, 2015, on whether to expand the process statewide.”;

9 and

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11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.