

HB 358 -- CONTROLLED SUBSTANCES

SPONSOR: Rowland

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Public Safety and Emergency Preparedness by a vote of 10 to 1.

This bill specifies that a controlled substance includes an altered state of a drug or substance listed in Schedules I through V absorbed into the human body.

At any time during release on parole or conditional release the Board of Parole within the Department of Corrections must issue a warrant for the arrest of a released offender for violation of any of the conditions of parole or conditional release. Currently, the board may issue the warrant. If a parole or probation officer has probable cause to believe that an offender has violated a condition of parole or conditional release, the officer must issue a warrant for the arrest of the offender. Currently, the officer may issue the warrant.

The bill specifies that a person commits the offense of ingesting a controlled substance if he or she intentionally ingests, inhales, or otherwise takes into his or her body any controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of a practitioner's professional practice. The offense of ingesting a controlled substance is a class A misdemeanor.

PROPOSERS: Supporters say that parole and probation officers aren't issuing warrants for those who violate the conditions of their parole or probation. Then the offender continues to commit additional felonies and pose a danger to the community. The bill eliminates supervisory discretion in regard to parolees or probationers who are committing new crimes.

Testifying for the bill were Representative Rowland; Thomas W. Cline, Ozark County Prosecuting Attorney's Office; Darrin Reed, Ozark County Sheriff; and Chris Degase, Douglas County Sheriff's Office.

OPPOSERS: Those who oppose the bill are against the mandated warrant provision. They believe that discretion is necessary to rehabilitate parolees and probationers.

Testifying against the bill was ACLU of Missouri.

OTHERS: Others testifying on the bill say that the mission of the parole and probation officers is to rehabilitate and restore the

clients. They want offenders to prosper and become taxpaying citizens. Of the roughly 32,000 reported probation violations alleged in 2014, about 8,000 of the complaints resulted in warrants of arrest being issued. The parole or probation violations range in severity and parole and probation officers need discretion to give the appropriate response. The arrest would take the offender away from his or her family and employment.

Testifying on the bill were Ellis McSwain and Peg McClure, Department of Corrections and Kevin C. Bond, Missouri Sheriffs Association.