

SECOND REGULAR SESSION

HOUSE BILL NO. 2091

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHIPMAN.

4760H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 217.718, RSMo, and to enact in lieu thereof one new section relating to the costs of detention.

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

Section A. Section 217.718, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.718, to read as follows:

217.718. 1. As an alternative to the revocation proceedings provided under sections 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a condition of probation under section 559.026, a probation or parole officer may order an offender to submit to a period of detention in the county jail, or other appropriate institution, upon a determination by a probation or parole officer that the offender has violated a condition of continued probation or parole.

2. The period of detention may not exceed forty-eight hours the first time it is imposed against an offender during a term of probation or parole. Subsequent periods may exceed forty-eight hours, but the total number of hours an offender spends in detention under this section shall not exceed three hundred sixty in any calendar year.

3. The officer shall present the offender with a written report detailing in what manner the offender has violated the conditions of parole, probation, or conditional release and advise the offender of the right to a hearing before the court or board prior to the period of detention. The division shall file a copy of the violation report with the sentencing court or board after the imposition of the period of detention and within a reasonable period of time that is consistent with existing division procedures.

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.

17 4. Any offender detained under this section in a county of the first class or second class
18 or in any city with a population of five hundred thousand or more and detained as herein
19 provided shall be subject to all the provisions of section 221.170, even though the offender was
20 not convicted and sentenced to a jail or workhouse.

21 5. If parole, probation, or conditional release is revoked and a term of imprisonment is
22 served by reason thereof, the time spent in a jail, halfway house, honor center, workhouse, or
23 other institution as a detention condition of parole, probation, or conditional release shall be
24 credited against the prison or jail term served for the offense in connection with which the
25 detention was imposed.

26 6. The division shall reimburse the county jail or other institution for the costs of
27 detention under this section at a rate determined by the department of corrections, which shall
28 be at least [thirty] **twenty-five** dollars per day per offender [and subject to appropriation of funds
29 by the general assembly] , **and the department shall enter into an annual contractual**
30 **agreement with the counties to pay such amount by June thirtieth of each year.** Prior to
31 ordering the offender to submit to the period of detention under subsection 1 of this section, the
32 probation and parole officer shall certify to the county jail or institution that the division has
33 sufficient funds to provide reimbursement for the costs of the period of detention. A jail or other
34 institution may refuse to detain an offender under this section if funds are not available to
35 provide reimbursement or if there is inadequate space in the facility for the offender.

36 7. Upon successful completion of the period of detention under this section, the court
37 or board may not revoke the term of parole, probation, or conditional release or impose
38 additional periods of detention for the same incident unless new or additional information is
39 discovered that was unknown to the division when the period of detention was imposed and
40 indicates that the offender was involved in the commission of a crime. If the offender fails to
41 complete the period of detention or new or additional information is discovered that the incident
42 involved a crime, the offender may be arrested under sections 217.720 and 217.722.

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