

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute No. 2
2 for Senate Bill No. 26, Page 1, Line 1, by inserting immediately after the phrase "Senate Bill No.
3 26," on said line the following;

4
5 "Page 1, Section A, Line 3, by inserting after all of said section and line the following:

6
7 "56.380. It is unlawful for the circuit attorneys or the assistant circuit attorneys of the courts
8 of this state having jurisdiction of criminals within cities in this state having a population of seven
9 hundred thousand inhabitants or more to contract for, directly or indirectly, or to accept, receive or
10 take any fee, reward, promise or undertaking, or gift or valuable thing of any kind whatsoever,
11 except the salary of his office prescribed by law, for aiding, advising, promoting or procuring any
12 indictment, true bill or legal process of any kind whatsoever against any person or party, or for
13 aiding, promoting, counseling or procuring the detection, discovery, apprehension, prosecution or
14 conviction of any person upon any charge whatsoever, or for aiding, advising or counseling of or
15 concerning, or for procuring, promoting or effecting the discovery or recovery, by any means
16 whatever, of any valuable thing which is secreted or detained from the possession of the owner or
17 lawful custodian thereof. Any officer who is convicted of the violation of any of the provisions of
18 this section shall be punished by imprisonment by the state department of corrections [~~and human~~
19 ~~resources~~] for not more than seven years and in addition shall forfeit his office.

20 56.455. In addition to his other duties, the circuit attorney of the City of St. Louis shall
21 make a detailed report of all information in his possession pertaining to each person committed to
22 the state penitentiary by the circuit court of the City of St. Louis to the director of the state
23 department of corrections [~~and human resources~~] and to the state [~~board of probation and~~] parole
24 board. The report shall include such information as may be requested by such director or board and
25 shall include a summary of such evidence as to the prior convictions of the convict, his mental
26 condition, education and other personal background information which is available to the circuit
27 attorney as well as the date of the crime for which the convict was sentenced, whether he was tried
28 or pleaded guilty, and such facts as are available as to the aggravating or mitigating circumstances of
29 the crime. The circuit attorney may include in the report his recommendation as to whether the
30 convict should be kept in a maximum security institution. The report shall be transmitted within
31 twenty days after the date of the conviction or at such other time as is prescribed by the director of
32 the department of corrections [~~and human resources~~] or [~~board of probation and~~] parole board."; and

33
34 Further amend said bill, Page 2, Section 84.400, Line 14, by inserting after all of said section and

Action Taken _____ Date _____

1 line the following:
2

3 "105.950. 1. Until June 30, 2000, the commissioner of administration and the directors of
4 the departments of revenue, social services, agriculture, economic development, corrections, labor
5 and industrial relations, natural resources, and public safety shall continue to receive the salaries
6 they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

7 2. On and after July 1, 2000, the salary of the directors of the above departments shall be set
8 by the governor within the limits of the salary ranges established pursuant to this section and the
9 appropriation for that purpose. Salary ranges for department directors and members of the [~~board of~~
10 ~~probation and~~] parole board shall be set by the personnel advisory board after considering the results
11 of a study periodically performed or administered by the office of administration. Such salary
12 ranges shall be published yearly in an appendix to the revised statutes of Missouri.

13 3. Each of the above salaries shall be increased by any salary adjustment provided pursuant
14 to the provisions of section 105.005.

15 149.071. Any person who shall, without the authorization of the director of revenue, make
16 or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process
17 any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment
18 of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender
19 as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or
20 any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously
21 used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be
22 guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department
23 of corrections [~~and human resources~~] for a term of not less than two years nor more than five years.

24 149.076. 1. No manufacturer, wholesaler or retailer shall fail or refuse to make any return
25 required by the director, or refuse to permit the director or his duly authorized representatives to
26 examine records, papers, files and equipment pertaining to the person's business made taxable by
27 this chapter. No person shall make an incomplete, false or fraudulent return under this chapter, or
28 attempt to do anything to evade full disclosure of the facts or to avoid the payment in whole or in
29 part of the tax or interest due.

30 2. Any person who files a false report or application or makes a false entry in any record
31 relating to the purchase and sale of cigarettes shall be guilty of a felony and, upon conviction, shall
32 be punished by imprisonment by the state department of corrections [~~and human resources~~] for a
33 term of not less than two years nor more than five years.

34 214.392. 1. The division shall:

35 (1) Recommend prosecution for violations of the provisions of sections 214.270 to 214.410
36 to the appropriate prosecuting, circuit attorney or to the attorney general;

37 (2) Employ, within limits of the funds appropriated, such employees as are necessary to
38 carry out the provisions of sections 214.270 to 214.410;

39 (3) Be allowed to convey full authority to each city or county governing body the use of
40 inmates controlled by the department of corrections and the [~~board of probation and~~] parole board to
41 care for abandoned cemeteries located within the boundaries of each city or county;

42 (4) Exercise all budgeting, purchasing, reporting and other related management functions;

43 (5) Be authorized, within the limits of the funds appropriated, to conduct investigations,
44 examinations, or audits to determine compliance with sections 214.270 to 214.410;

45 (6) The division may promulgate rules necessary to implement the provisions of sections
46 214.270 to 214.516, including but not limited to:

47 (a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516.
48 The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and
49 expense of administering sections 214.270 to 214.516. All moneys received by the division

1 pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such
 2 moneys to the department of revenue for deposit in the state treasury to the credit of the endowed
 3 care cemetery audit fund created in section 193.265;

4 (b) Rules to administer the inspection and audit provisions of the endowed care cemetery
 5 law;

6 (c) Rules for the establishment and maintenance of the cemetery registry pursuant to section
 7 214.283.

8 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 9 under the authority delegated in this section shall become effective only if it complies with and is
 10 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 11 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 12 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently
 13 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 14 August 28, 2001, shall be invalid and void.

15 217.010. As used in this chapter and chapter 558, unless the context clearly indicates
 16 otherwise, the following terms shall mean:

17 (1) "Administrative segregation unit", a cell for the segregation of offenders from the
 18 general population of a facility for relatively extensive periods of time;

19 (2) "Board", the ~~board of probation and~~ parole board;

20 (3) "Chief administrative officer", the institutional head of any correctional facility or his
 21 designee;

22 (4) "Correctional center", any premises or institution where incarceration, evaluation, care,
 23 treatment, or rehabilitation is provided to persons who are under the department's authority;

24 (5) "Department", the department of corrections of the state of Missouri;

25 (6) "Director", the director of the department of corrections or his designee;

26 (7) "Disciplinary segregation", a cell for the segregation of offenders from the general
 27 population of a correctional center because the offender has been found to have committed a
 28 violation of a division or facility rule and other available means are inadequate to regulate the
 29 offender's behavior;

30 (8) "Division", a statutorily created agency within the department or an agency created by
 31 the departmental organizational plan;

32 (9) "Division director", the director of a division of the department or his designee;

33 (10) "Local volunteer community board", a board of qualified local community volunteers
 34 selected by the court for the purpose of working in partnership with the court and the department of
 35 corrections in a reparative probation program;

36 (11) "Nonviolent offender", any offender who is convicted of a crime other than murder in
 37 the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or second
 38 degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in
 39 the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

40 (12) "Offender", a person under supervision or an inmate in the custody of the department;

41 (13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict
 42 or plea is released by the court without imprisonment, subject to conditions imposed by the court
 43 and subject to the supervision of the ~~board~~ division of probation and parole;

44 (14) "Volunteer", any person who, of his own free will, performs any assigned duties for the
 45 department or its divisions with no monetary or material compensation.

46 217.030. The director shall appoint the directors of the divisions of the department ~~except~~
 47 ~~the chairman of the parole board who shall be appointed by the governor~~. Division directors shall
 48 serve at the pleasure of the director ~~except the chairman of the parole board who shall serve in the~~
 49 ~~capacity of chairman at the pleasure of the governor~~. The director of the department shall be the

1 appointing authority under chapter 36 to employ such administrative, technical and other personnel
2 who may be assigned to the department generally rather than to any of the department divisions or
3 facilities and whose employment is necessary for the performance of the powers and duties of the
4 department.

5 217.250. Whenever any offender is afflicted with a disease which is terminal, or is advanced
6 in age to the extent that the offender is in need of long-term nursing home care, or when
7 confinement will necessarily greatly endanger or shorten the offender's life, the correctional center's
8 physician shall certify such facts to the chief medical administrator, stating the nature of the disease.
9 The chief medical administrator with the approval of the director will then forward the certificate to
10 the ~~[board of probation and]~~ parole board who in their discretion may grant a medical parole or at
11 their discretion may recommend to the governor the granting or denial of a commutation.

12 217.270. All correctional employees shall:

13 (1) Grant to members of the state ~~[board of probation and]~~ parole board or its properly
14 accredited representatives access at all reasonable times to any offender;

15 (2) Furnish to the board the reports that the board requires concerning the conduct and
16 character of any offender in their custody; and

17 (3) Furnish any other facts deemed pertinent by the board in the determination of whether
18 an offender shall be paroled.

19 217.362. 1. The department of corrections shall design and implement an intensive long-
20 term program for the treatment of chronic nonviolent offenders with serious substance abuse
21 addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in
22 section 556.061.

23 2. Prior to sentencing, any judge considering an offender for this program shall notify the
24 department. The potential candidate for the program shall be screened by the department to
25 determine eligibility. The department shall, by regulation, establish eligibility criteria and inform
26 the court of such criteria. The department shall notify the court as to the offender's eligibility and
27 the availability of space in the program. Notwithstanding any other provision of law to the contrary,
28 except as provided for in section 558.019, if an offender is eligible and there is adequate space, the
29 court may sentence a person to the program which shall consist of institutional drug or alcohol
30 treatment for a period of at least twelve and no more than twenty-four months, as well as a term of
31 incarceration. The department shall determine the nature, intensity, duration, and completion
32 criteria of the education, treatment, and aftercare portions of any program services provided.
33 Execution of the offender's term of incarceration shall be suspended pending completion of said
34 program. Allocation of space in the program may be distributed by the department in proportion to
35 drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is
36 no space available, the court shall consider other authorized dispositions.

37 3. Upon successful completion of the program, the ~~[board]~~ division of probation and parole
38 shall advise the sentencing court of an offender's probationary release date thirty days prior to
39 release. If the court determines that probation is not appropriate the court may order the execution
40 of the offender's sentence.

41 4. If it is determined by the department that the offender has not successfully completed the
42 program, or that the offender is not cooperatively participating in the program, the offender shall be
43 removed from the program and the court shall be advised. Failure of an offender to complete the
44 program shall cause the offender to serve the sentence prescribed by the court and void the right to
45 be considered for probation on this sentence.

46 5. An offender's first incarceration in a department of corrections program pursuant to this
47 section prior to release on probation shall not be considered a previous prison commitment for the
48 purpose of determining a minimum prison term pursuant to the provisions of section 558.019.

49 217.364. 1. The department of corrections shall establish by regulation the "Offenders

1 Under Treatment Program". The program shall include institutional placement of certain offenders,
2 as outlined in subsection 3 of this section, under the supervision and control of the department of
3 corrections. The department shall establish rules determining how, when and where an offender
4 shall be admitted into or removed from the program.

5 2. As used in this section, the term "offenders under treatment program" means a one-
6 hundred-eighty-day institutional correctional program for the monitoring, control and treatment of
7 certain substance abuse offenders and certain nonviolent offenders followed by placement on parole
8 with continued supervision.

9 3. The following offenders may participate in the program as determined by the department:

10 (1) Any nonviolent offender who has not previously been remanded to the department and
11 who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance
12 abuse was a precipitating or contributing factor in the commission of his offense; or

13 (2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did
14 not involve the use of a weapon, and who has not previously been remanded to the department.

15 4. This program shall be used as an intermediate sanction by the department. The program
16 may include education, treatment and rehabilitation programs. If an offender successfully completes
17 the institutional phase of the program, the department shall notify the ~~[board of probation and]~~
18 parole board within thirty days of completion. Upon notification from the department that the
19 offender has successfully completed the program, the ~~[board of probation and]~~ parole board may at
20 its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

21 5. The availability of space in the institutional program shall be determined by the
22 department of corrections.

23 6. If the offender fails to complete the program, the offender shall be taken out of the
24 program and shall serve the remainder of his sentence with the department.

25 7. Time spent in the program shall count as time served on the sentence.

26 217.455. The request provided for in section 217.450 shall be delivered to the director, who
27 shall forthwith:

28 (1) Certify the term of commitment under which the offender is being held, the time already
29 served, the time remaining to be served on the sentence, the time of parole eligibility of the offender,
30 and any decisions of the state ~~[board of probation and]~~ parole board relating to the offender; and

31 (2) Send by registered or certified mail, return receipt requested, one copy of the request and
32 certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

33 217.541. 1. The department shall by rule establish a program of house arrest. The director
34 or his designee may extend the limits of confinement of offenders serving sentences for class D or E
35 felonies who have one year or less remaining prior to release on parole, conditional release, or
36 discharge to participate in the house arrest program.

37 2. The offender referred to the house arrest program shall remain in the custody of the
38 department and shall be subject to rules and regulations of the department pertaining to offenders of
39 the department until released on parole or conditional release by the state ~~[board of probation and]~~
40 parole board.

41 3. The department shall require the offender to participate in work or educational or
42 vocational programs and other activities that may be necessary to the supervision and treatment of
43 the offender.

44 4. An offender released to house arrest shall be authorized to leave his place of residence
45 only for the purpose and time necessary to participate in the program and activities authorized in
46 subsection 3 of this section.

47 5. The ~~[board]~~ division of probation and parole shall supervise every offender released to
48 the house arrest program and shall verify compliance with the requirements of this section and such
49 other rules and regulations that the department shall promulgate and may do so by remote electronic

1 surveillance. If any probation/parole officer has probable cause to believe that an offender under
 2 house arrest has violated a condition of the house arrest agreement, the probation/parole officer may
 3 issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or
 4 may deputize any officer with the power of arrest to do so by giving the officer a copy of the
 5 warrant which shall outline the circumstances of the alleged violation. The warrant delivered with
 6 the offender by the arresting officer to the official in charge of any jail or other detention facility to
 7 which the offender is brought shall be sufficient legal authority for detaining the offender. An
 8 offender arrested under this section shall remain in custody or incarcerated without consideration of
 9 bail. The director or his designee, upon recommendation of the probation and parole officer, may
 10 direct the return of any offender from house arrest to a correctional facility of the department for
 11 reclassification.

12 6. Each offender who is released to house arrest shall pay a percentage of his wages,
 13 established by department rules, to a maximum of the per capita cost of the house arrest program.
 14 The money received from the offender shall be deposited in the inmate fund and shall be expended
 15 to support the house arrest program.

16 217.650. As used in sections 217.650 to 217.810, unless the context clearly indicates
 17 otherwise, the following terms mean:

18 (1) ~~["Board", the state board of probation and parole;~~

19 ~~_____ (2) "Chairman", chairman of the board of probation and] "Chair", the chair of the parole~~
 20 ~~board, who shall be appointed by the governor;~~

21 ~~[(3)] (2) "Diversionary program", a program designed to utilize alternatives to incarceration~~
 22 ~~undertaken under the supervision of the [board] division of probation and parole after commitment~~
 23 ~~of an offense and prior to arraignment;~~

24 ~~[(4)] (3) "Parole", the release of an offender to the community by the court or the state~~
 25 ~~[board of probation and] parole board prior to the expiration of his term, subject to conditions~~
 26 ~~imposed by the court or the parole board and to its supervision by the division of probation and~~
 27 ~~parole;~~

28 ~~(4) "Parole board", the state board of parole;~~

29 (5) "Prerelease program", a program relating to an offender's preparation for, or orientation
 30 to, supervision by the ~~[board]~~ division of probation and parole immediately prior to or immediately
 31 after assignment of the offender to the ~~[board]~~ division of probation and parole for supervision;

32 (6) "Pretrial program", a program relating to the investigation or supervision of persons
 33 referred or assigned to the ~~[board]~~ division of probation and parole prior to their conviction;

34 (7) "Probation", a procedure under which a defendant found guilty of a crime upon verdict
 35 or plea is released by the court without imprisonment, subject to conditions imposed by the court
 36 and subject to the supervision of the ~~[board]~~ division of probation and parole;

37 (8) "Recognizance program", a program relating to the release of an individual from
 38 detention who is under arrest for an offense for which he may be released as provided in section
 39 544.455.

40 217.655. 1. The parole board shall be responsible for determining whether a person
 41 confined in the department shall be paroled or released conditionally as provided by section
 42 558.011. The parole board shall receive administrative support from the division of probation and
 43 parole. The division of probation and parole shall provide supervision to all persons referred by the
 44 circuit courts of the state as provided by sections 217.750 and 217.760. The parole board shall
 45 exercise independence in making decisions about individual cases, but operate cooperatively within
 46 the department and with other agencies, officials, courts, and stakeholders to achieve systemic
 47 improvement including the requirements of this section.

48 2. The parole board shall adopt parole guidelines to:

49 (1) Preserve finite prison capacity for the most serious and violent offenders;

- 1 (2) Release supervision-manageable cases consistent with section 217.690;
- 2 (3) Use finite resources guided by validated risk and needs assessments;
- 3 (4) Support a seamless reentry process;
- 4 (5) Set appropriate conditions of supervision; and
- 5 (6) Develop effective strategies for responding to violation behaviors.

6 3. The parole board shall collect, analyze, and apply data in carrying out its responsibilities
7 to achieve its mission and end goals. The parole board shall establish agency performance and
8 outcome measures that are directly responsive to statutory responsibilities and consistent with
9 agency goals for release decisions, supervision, revocation, recidivism, and caseloads.

10 4. The parole board shall publish parole data, including grant rates, revocation and
11 recidivism rates, length of time served, and successful supervision completions, and other
12 performance metrics.

13 5. The chair of the board shall employ such employees as necessary to carry out the chair's
14 responsibilities, shall serve as the appointing authority over such employees, and shall provide for
15 appropriate training to members and staff, including communication skills.

16 6. The division of probation and parole shall provide such programs as necessary to carry
17 out its responsibilities consistent with its goals and statutory obligations.

18 217.665. 1. Beginning August 28, 1996, the parole board shall consist of seven members
19 appointed by the governor by and with the advice and consent of the senate.

20 2. Beginning August 28, 1996, members of the board shall be persons of recognized
21 integrity and honor, known to possess education and ability in decision making through career
22 experience and other qualifications for the successful performance of their official duties. Not more
23 than four members of the board shall be of the same political party.

24 3. At the expiration of the term of each member and of each succeeding member, the
25 governor shall appoint a successor who shall hold office for a term of six years and until his
26 successor has been appointed and qualified. Members may be appointed to succeed themselves.

27 4. Vacancies occurring in the office of any member shall be filled by appointment by the
28 governor for the unexpired term.

29 5. The governor shall designate one member of the board as [~~chairman~~] chair and one
30 member as vice [~~chairman~~] chair. The [~~chairman~~] chair shall establish the duties and
31 responsibilities of the members of the board and supervise their performance and may require
32 reports from any member as to his or her conduct and exercise of duties. In the event of the
33 [~~chairman's~~] chair's removal, death, resignation, or inability to serve, the vice [~~chairman~~] chair shall
34 act as [~~chairman~~] chair upon written order of the governor or [~~chairman~~] chair.

35 6. Members of the board shall devote full time to the duties of their office and before taking
36 office shall subscribe to an oath or affirmation to support the Constitution of the United States and
37 the Constitution of the State of Missouri. The oath shall be signed in the office of the secretary of
38 state.

39 7. The annual compensation for each member of the board whose term commenced before
40 August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including prior
41 salary adjustments, provided pursuant to section 105.005. Salaries for board members whose terms
42 commence after August 27, 1999, shall be set as provided in section 105.950; provided, however,
43 that the compensation of a board member shall not be increased during the member's term of office,
44 except as provided in section 105.005. In addition to compensation provided by law, the members
45 shall be entitled to reimbursement for necessary travel and other expenses incurred pursuant to
46 section 33.090.

47 8. Any person who served as a member of the board of probation and parole prior to July 1,
48 2000, shall be made, constituted, appointed and employed by the board of trustees of the state
49 employees' retirement system as a special consultant on the problems of retirement, aging and other

1 state matters. As compensation for such services, such consultant shall not be denied use of any
2 unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter 104,
3 provided such sick leave was maintained by the board of probation and parole in the regular course
4 of business prior to July 1, 2000, but only to the extent of such sick leave records are consistent with
5 the rules promulgated pursuant to section 36.350. Nothing in this section shall authorize the use of
6 any other form of leave that may have been maintained by the board prior to July 1, 2000.

7 217.690. 1. All releases or paroles shall issue upon order of the parole board, duly adopted.

8 2. Before ordering the parole of any offender, the parole board shall conduct a validated risk
9 and needs assessment and evaluate the case under the rules governing parole that are promulgated
10 by the parole board. The parole board shall then have the offender appear before a hearing panel
11 and shall conduct a personal interview with him, unless waived by the offender, or if the guidelines
12 indicate the offender may be paroled without need for an interview. The guidelines and rules shall
13 not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence
14 may occur by means of a videoconference at the discretion of the parole board. A parole may be
15 ordered for the best interest of society when there is a reasonable probability, based on the risk
16 assessment and indicators of release readiness, that the person can be supervised under parole
17 supervision and successfully reintegrated into the community, not as an award of clemency; it shall
18 not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain
19 in the legal custody of the department but shall be subject to the orders of the parole board.

20 3. The division of probation and parole has discretionary authority to require the payment of
21 a fee, not to exceed sixty dollars per month, from every offender placed under division supervision
22 on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for
23 willful nonpayment of fees, and to contract with a private entity for fee collections services. All
24 fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected
25 may be used to pay the costs of contracted collections services. The fees collected may otherwise
26 be used to provide community corrections and intervention services for offenders. Such services
27 include substance abuse assessment and treatment, mental health assessment and treatment,
28 electronic monitoring services, residential facilities services, employment placement services, and
29 other offender community corrections or intervention services designated by the division of
30 probation and parole to assist offenders to successfully complete probation, parole, or conditional
31 release. The ~~board~~ division of probation and parole shall adopt rules not inconsistent with law, in
32 accordance with section 217.040, with respect to sanctioning offenders and with respect to
33 establishing, waiving, collecting, and using fees.

34 4. The parole board shall adopt rules not inconsistent with law, in accordance with section
35 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
36 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
37 recite the conditions of such parole.

38 5. When considering parole for an offender with consecutive sentences, the minimum term
39 for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for
40 each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed
41 the minimum term for parole eligibility for an ordinary life sentence.

42 6. Any offender under a sentence for first degree murder who has been denied release on
43 parole after a parole hearing shall not be eligible for another parole hearing until at least three years
44 from the month of the parole denial; however, this subsection shall not prevent a release pursuant to
45 subsection 4 of section 558.011.

46 7. A victim who has requested an opportunity to be heard shall receive notice that the parole
47 board is conducting an assessment of the offender's risk and readiness for release and that the
48 victim's input will be particularly helpful when it pertains to safety concerns and specific protective
49 measures that may be beneficial to the victim should the offender be granted release.

1 8. Parole hearings shall, at a minimum, contain the following procedures:

2 (1) The victim or person representing the victim who attends a hearing may be accompanied
3 by one other person;

4 (2) The victim or person representing the victim who attends a hearing shall have the option
5 of giving testimony in the presence of the inmate or to the hearing panel without the inmate being
6 present;

7 (3) The victim or person representing the victim may call or write the parole board rather
8 than attend the hearing;

9 (4) The victim or person representing the victim may have a personal meeting with a parole
10 board member at the parole board's central office;

11 (5) The judge, prosecuting attorney or circuit attorney and a representative of the local law
12 enforcement agency investigating the crime shall be allowed to attend the hearing or provide
13 information to the hearing panel in regard to the parole consideration; and

14 (6) The parole board shall evaluate information listed in the juvenile sex offender registry
15 pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one,
16 as it impacts the safety of the community.

17 9. The parole board shall notify any person of the results of a parole eligibility hearing if the
18 person indicates to the parole board a desire to be notified.

19 10. The parole board may, at its discretion, require any offender seeking parole to meet
20 certain conditions during the term of that parole so long as said conditions are not illegal or
21 impossible for the offender to perform. These conditions may include an amount of restitution to
22 the state for the cost of that offender's incarceration.

23 11. Special parole conditions shall be responsive to the assessed risk and needs of the
24 offender or the need for extraordinary supervision, such as electronic monitoring. The parole board
25 shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon
26 release, and to require the modification and reduction of conditions based on the person's continuing
27 stability in the community. Parole board rules shall permit parole conditions to be modified by
28 parole officers with review and approval by supervisors.

29 12. Nothing contained in this section shall be construed to require the release of an offender
30 on parole nor to reduce the sentence of an offender heretofore committed.

31 13. Beginning January 1, 2001, the parole board shall not order a parole unless the offender
32 has obtained a high school diploma or its equivalent, or unless the parole board is satisfied that the
33 offender, while committed to the custody of the department, has made an honest good-faith effort to
34 obtain a high school diploma or its equivalent; provided that the director may waive this
35 requirement by certifying in writing to the parole board that the offender has actively participated in
36 mandatory education programs or is academically unable to obtain a high school diploma or its
37 equivalent.

38 14. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
39 under the authority delegated in this section shall become effective only if it complies with and is
40 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
41 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
42 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
43 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
44 August 28, 2005, shall be invalid and void.

45 217.692. 1. Notwithstanding any other provision of law to the contrary, any offender
46 incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or
47 life without parole, whose plea of guilt was entered or whose trial commenced prior to December
48 31, 1990, and who:

49 (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;

1 (2) Has no prior violent felony convictions;
2 (3) No longer has a cognizable legal claim or legal recourse; and
3 (4) Has a history of being a victim of continual and substantial physical or sexual domestic
4 violence that was not presented as an affirmative defense at trial or sentencing and such history can
5 be corroborated with evidence of facts or circumstances which existed at the time of the alleged
6 physical or sexual domestic violence of the offender, including but not limited to witness statements,
7 hospital records, social services records, and law enforcement records;

8
9 shall be eligible for parole after having served fifteen years of such sentence when the parole board
10 determines by using the guidelines established by this section that there is a strong and reasonable
11 probability that the person will not thereafter violate the law.

12 2. The [~~board of probation and~~] parole board shall give a thorough review of the case history
13 and prison record of any offender described in subsection 1 of this section. At the end of the parole
14 board's review, the parole board shall provide the offender with a copy of a statement of reasons for
15 its parole decision.

16 3. Any offender released under the provisions of this section shall be under the supervision
17 of the [~~parole board~~] division of probation and parole for an amount of time to be determined by the
18 parole board.

19 4. The parole board shall consider, but not be limited to the following criteria when making
20 its parole decision:

- 21 (1) Length of time served;
22 (2) Prison record and self-rehabilitation efforts;
23 (3) Whether the history of the case included corroborative material of physical, sexual,
24 mental, or emotional abuse of the offender, including but not limited to witness statements, hospital
25 records, social service records, and law enforcement records;
26 (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted
27 the offer;
28 (5) Any victim information outlined in subsection 8 of section 217.690 and section 595.209;
29 (6) The offender's continued claim of innocence;
30 (7) The age and maturity of the offender at the time of the parole board's decision;
31 (8) The age and maturity of the offender at the time of the crime and any contributing
32 influence affecting the offender's judgment;
33 (9) The presence of a workable parole plan; and
34 (10) Community and family support.

35 5. Nothing in this section shall limit the review of any offender's case who is eligible for
36 parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole
37 prior to fifteen years.

38 6. Nothing in this section shall limit the review of any offender's case who has applied for
39 executive clemency, nor shall it limit in any way the governor's power to grant clemency.

40 7. It shall be the responsibility of the offender to petition the parole board for a hearing
41 under this section.

42 8. A person commits the crime of perjury if he or she, with the purpose to deceive,
43 knowingly makes a false witness statement to the parole board. Perjury under this section shall be a
44 class D felony.

45 9. In cases where witness statements alleging physical or sexual domestic violence are in
46 conflict as to whether such violence occurred or was continual and substantial in nature, the history
47 of such alleged violence shall be established by other corroborative evidence in addition to witness
48 statements, as provided by subsection 1 of this section. A contradictory statement of the victim

1 shall not be deemed a conflicting statement for purposes of this section.

2 217.695. 1. As used in this section, the following terms mean:

3 (1) "Chief law enforcement official", the county sheriff, chief of police or other public
4 official responsible for enforcement of criminal laws within a county or city not within a county;

5 (2) "County" includes a city not within a county;

6 (3) "Offender", a person in the custody of the department or under the supervision of the
7 ~~[board]~~ division of probation and parole.

8 2. Each offender to be released from custody of the department who will be under the
9 supervision of the ~~[board]~~ division of probation and parole, except an offender transferred to another
10 state pursuant to the interstate corrections compact, shall shortly before release be required to:
11 complete a registration form indicating his intended address upon release, employer, parent's
12 address, and such other information as may be required; submit to photographs; submit to
13 fingerprints; or undergo other identification procedures including but not limited to hair samples or
14 other identification indicia. All data and indicia of identification shall be compiled in duplicate,
15 with one set to be retained by the department, and one set for the chief law enforcement official of
16 the county of intended residence.

17 3. Any offender subject to the provisions of this section who changes his county of
18 residence shall, in addition to notifying the ~~[board]~~ division of probation and parole, notify and
19 register with the chief law enforcement official of the county of residence within seven days after he
20 changes his residence to that county.

21 4. Failure by an offender to register with the chief law enforcement official upon a change in
22 the county of his residence shall be cause for revocation of the parole of the person except for good
23 cause shown.

24 5. The department, the ~~[board]~~ division of probation and parole, and the chief law
25 enforcement official shall cause the information collected on the initial registration and any
26 subsequent changes in residence or registration to be recorded with the highway patrol criminal
27 information system.

28 6. The director of the department of public safety shall design and distribute the registration
29 forms required by this section and shall provide any administrative assistance needed to facilitate
30 the provisions of this section.

31 217.710. 1. Probation and parole officers, supervisors and members of the ~~[board of
32 probation and]~~ parole board, who are certified pursuant to the requirements of subsection 2 of this
33 section shall have the authority to carry their firearms at all times. The department of corrections
34 shall promulgate policies and operating regulations which govern the use of firearms by probation
35 and parole officers, supervisors and members of the parole board when carrying out the provisions
36 of sections 217.650 to 217.810. Mere possession of a firearm shall not constitute an employment
37 activity for the purpose of calculating compensatory time or overtime.

38 2. The department shall determine the content of the required firearms safety training and
39 provide firearms certification and recertification training for probation and parole officers,
40 supervisors and members of the ~~[board of probation and]~~ parole board. A minimum of sixteen hours
41 of firearms safety training shall be required. In no event shall firearms certification or
42 recertification training for probation and parole officers and supervisors exceed the training required
43 for officers of the state highway patrol.

44 3. The department shall determine the type of firearm to be carried by the officers,
45 supervisors and members of the ~~[board of probation and]~~ parole board.

46 4. Any officer, supervisor or member of the ~~[board of probation and]~~ parole board that
47 chooses to carry a firearm in the performance of such officer's, supervisor's or member's duties shall
48 purchase the firearm and holster.

1 5. The department shall furnish such ammunition as is necessary for the performance of the
2 officer's, supervisor's and member's duties.

3 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
4 promulgated under the authority of this chapter, shall become effective only if the agency has fully
5 complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if
6 applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is
7 of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or
8 this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated
9 prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section
10 are nonseverable and if any of the powers vested with the general assembly pursuant to section
11 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule
12 are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so
13 proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in
14 section 571.030 or this section shall affect the validity of any rule adopted and promulgated prior to
15 August 28, 1998.

16 217.735. 1. Notwithstanding any other provision of law to the contrary, the division of
17 probation and parole shall supervise an offender for the duration of his or her natural life when the
18 offender has been found guilty of an offense under:

19 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
20 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28,
21 2006; or

22 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
23 committed on or after January 1, 2017, against a victim who was less than fourteen years old and the
24 offender is a prior sex offender as defined in subsection 2 of this section.

25 2. For the purpose of this section, a prior sex offender is a person who has previously
26 pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section
27 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or
28 violating subdivision (2) of subsection 1 of section 568.045.

29 3. Subsection 1 of this section applies to offenders who have been granted probation, and to
30 offenders who have been released on parole, conditional release, or upon serving their full sentence
31 without early release. Supervision of an offender who was released after serving his or her full
32 sentence will be considered as supervision on parole.

33 4. A mandatory condition of lifetime supervision of an offender under this section is that the
34 offender be electronically monitored. Electronic monitoring shall be based on a global positioning
35 system or other technology that identifies and records the offender's location at all times.

36 5. In appropriate cases as determined by a risk assessment, the parole board may terminate
37 the supervision of an offender who is being supervised under this section when the offender is sixty-
38 five years of age or older.

39 6. In accordance with section 217.040, the ~~[board]~~ division of probation and parole may
40 adopt rules relating to supervision and electronic monitoring of offenders under this section.

41 217.829. 1. The department shall develop a form which shall be used by the department to
42 obtain information from all offenders regarding their assets.

43 2. The form shall be submitted to each offender as of the date the form is developed and to
44 every offender who thereafter is sentenced to imprisonment under the jurisdiction of the department.
45 The form may be resubmitted to an offender by the department for purposes of obtaining current
46 information regarding assets of the offender.

47 3. Every offender shall complete the form or provide for completion of the form and the
48 offender shall swear or affirm under oath that to the best of his or her knowledge the information

1 provided is complete and accurate. Any person who shall knowingly provide false information on
 2 said form to state officials or employees shall be guilty of the crime of making a false affidavit as
 3 provided by section 575.050.

4 4. Failure by an offender to fully, adequately and correctly complete the form may be
 5 considered by the ~~[board of probation and]~~ parole board for purposes of a parole determination, and
 6 in determining an offender's parole release date or eligibility and shall constitute sufficient grounds
 7 for denial of parole.

8 5. Prior to release of any offender from imprisonment, and again prior to release from the
 9 jurisdiction of the department, the department shall request from the offender an assignment of ten
 10 percent of any wages, salary, benefits or payments from any source. Such an assignment shall be
 11 valid for the longer period of five years from the date of its execution, or five years from the date
 12 that the offender is released from the jurisdiction of the department or any of its divisions or
 13 agencies. The assignment shall secure payment of the total cost of care of the offender executing
 14 the assignment. The restrictions on the maximum amount of earnings subject to garnishment
 15 contained in section 525.030 shall apply to earnings subject to assignments executed pursuant to this
 16 subsection.

17 549.500. All documents prepared or obtained in the discharge of official duties by any
 18 member or employee of the ~~[board of probation and]~~ parole board or employee of the division of
 19 probation and parole shall be privileged and shall not be disclosed directly or indirectly to anyone
 20 other than members of the parole board and other authorized employees of the department pursuant
 21 to section 217.075. The parole board may at its discretion permit the inspection of the report or
 22 parts thereof by the offender or his attorney or other persons having a proper interest therein."; and
 23

24 Further amend said bill, Page 2, Section 557.045, Line 15, by inserting after all of said section and
 25 line the following:

26
 27 "557.051. 1. A person who has been found guilty of an offense under chapter 566, or any
 28 sex offense involving a child under chapter 568 or 573, and who is granted a suspended imposition
 29 or execution of sentence or placed under the supervision of the ~~[board]~~ division of probation and
 30 parole shall be required to participate in and successfully complete a program of treatment,
 31 education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend
 32 a program under this section shall be required to follow all directives of the treatment program
 33 provider, and may be charged a reasonable fee to cover the costs of such program.

34 2. A person who provides assessment services or who makes a report, finding, or
 35 recommendation for any offender to attend any counseling or program of treatment, education or
 36 rehabilitation as a condition or requirement of probation following a finding of guilt for an offense
 37 under chapter 566, or any sex offense involving a child under chapter 568 or 573, shall not be related
 38 within the third degree of consanguinity or affinity to any person who has a financial interest,
 39 whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or
 40 any financial interest, whether direct or indirect, in any private entity which provides the counseling
 41 or program of treatment, education or rehabilitation. A person who violates this subsection shall
 42 thereafter:

43 (1) Immediately remit to the state of Missouri any financial income gained as a direct or
 44 indirect result of the action constituting the violation;

45 (2) Be prohibited from providing assessment or counseling services or any program of
 46 treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the
 47 state ~~[board]~~ division of probation and parole or any office thereof; and

48 (3) Be prohibited from having any financial interest, whether direct or indirect, in any

1 private entity which provides assessment or counseling services or any program of treatment,
 2 education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the [~~state~~
 3 ~~board~~] division of probation and parole or any office thereof.

4 3. The provisions of subsection 2 of this section shall not apply when the department of
 5 corrections has identified only one qualified service provider within reasonably accessible distance
 6 from the offender or when the only providers available within a reasonable distance are related
 7 within the third degree of consanguinity or affinity to any person who has a financial interest in the
 8 service provider.

9 558.011. 1. The authorized terms of imprisonment, including both prison and conditional
 10 release terms, are:

11 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty
 12 years, or life imprisonment;

13 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen
 14 years;

15 (3) For a class C felony, a term of years not less than three years and not to exceed ten years;

16 (4) For a class D felony, a term of years not to exceed seven years;

17 (5) For a class E felony, a term of years not to exceed four years;

18 (6) For a class A misdemeanor, a term not to exceed one year;

19 (7) For a class B misdemeanor, a term not to exceed six months;

20 (8) For a class C misdemeanor, a term not to exceed fifteen days.

21 2. In cases of class D and E felonies, the court shall have discretion to imprison for a special
 22 term not to exceed one year in the county jail or other authorized penal institution, and the place of
 23 confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term
 24 longer than one year upon a person convicted of a class D or E felony, it shall commit the person to
 25 the custody of the department of corrections.

26 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall
 27 commit the person to the custody of the department of corrections for the term imposed under
 28 section 557.036, or until released under procedures established elsewhere by law.

29 (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court
 30 shall commit the person to the county jail or other authorized penal institution for the term of his or
 31 her sentence or until released under procedure established elsewhere by law.

32 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for
 33 felonies other than dangerous felonies as defined in section 556.061, and other than sentences of
 34 imprisonment which involve the individual's fourth or subsequent remand to the department of
 35 corrections shall consist of a prison term and a conditional release term. The conditional release
 36 term of any term imposed under section 557.036 shall be:

37 (a) One-third for terms of nine years or less;

38 (b) Three years for terms between nine and fifteen years;

39 (c) Five years for terms more than fifteen years; and the prison term shall be the remainder
 40 of such term. The prison term may be extended by the [~~board of probation and~~] parole board
 41 pursuant to subsection 5 of this section.

42 (2) "Conditional release" means the conditional discharge of an offender by the [~~board of~~
 43 ~~probation and~~] parole board, subject to conditions of release that the parole board deems reasonable
 44 to assist the offender to lead a law-abiding life, and subject to the supervision under the [~~state board~~]
 45 division of probation and parole. The conditions of release shall include avoidance by the offender
 46 of any other offense, federal or state, and other conditions that the parole board in its discretion
 47 deems reasonably necessary to assist the releasee in avoiding further violation of the law.

48 5. The date of conditional release from the prison term may be extended up to a maximum

1 of the entire sentence of imprisonment by the [~~board of probation and~~] parole board. The director of
 2 any division of the department of corrections except the [~~board~~] division of probation and parole
 3 may file with the [~~board of probation and~~] parole board a petition to extend the conditional release
 4 date when an offender fails to follow the rules and regulations of the division or commits an act in
 5 violation of such rules. Within ten working days of receipt of the petition to extend the conditional
 6 release date, the [~~board of probation and~~] parole board shall convene a hearing on the petition. The
 7 offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses
 8 appearing against the offender. The hearing shall be conducted as provided in section 217.670. If
 9 the violation occurs in close proximity to the conditional release date, the conditional release may be
 10 held for a maximum of fifteen working days to permit necessary time for the division director to file
 11 a petition for an extension with the parole board and for the parole board to conduct a hearing,
 12 provided some affirmative manifestation of an intent to extend the conditional release has occurred
 13 prior to the conditional release date. If at the end of a fifteen-working-day period a parole board
 14 decision has not been reached, the offender shall be released conditionally. The decision of the
 15 parole board shall be final.

16 558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court
 17 specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment
 18 imposed for any offense committed during or at the same time as, or multiple offenses of, the
 19 following felonies:

- 20 (1) Rape in the first degree, forcible rape, or rape;
- 21 (2) Statutory rape in the first degree;
- 22 (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- 23 (4) Statutory sodomy in the first degree; or
- 24 (5) An attempt to commit any of the felonies listed in this subsection. In such case, the
 25 sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit
 26 any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any
 27 other offense may run concurrently.

28 2. If a person who is on probation, parole or conditional release is sentenced to a term of
 29 imprisonment for an offense committed after the granting of probation or parole or after the start of
 30 his conditional release term, the court shall direct the manner in which the sentence or sentences
 31 imposed by the court shall run with respect to any resulting probation, parole or conditional release
 32 revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the
 33 court shall specify how any resulting probation, parole or conditional release revocation term or
 34 terms shall run with respect to the foreign sentence of imprisonment.

35 3. A court may cause any sentence it imposes to run concurrently with a sentence an
 36 individual is serving or is to serve in another state or in a federal correctional center. If the Missouri
 37 sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011
 38 and section 217.690 shall apply as if the individual were serving his sentence within the department
 39 of corrections of the state of Missouri, except that a personal hearing before the [~~board of probation~~
 40 ~~and~~] parole board shall not be required for parole consideration.

41 558.031. 1. A sentence of imprisonment shall commence when a person convicted of an
 42 offense in this state is received into the custody of the department of corrections or other place of
 43 confinement where the offender is sentenced. Such person shall receive credit toward the service of
 44 a sentence of imprisonment for all time in prison, jail or custody after the offense occurred and
 45 before the commencement of the sentence, when the time in custody was related to that offense,
 46 except:

- 47 (1) Such credit shall only be applied once when sentences are consecutive;
- 48 (2) Such credit shall only be applied if the person convicted was in custody in the state of

1 Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

2 (3) As provided in section 559.100.

3 2. The officer required by law to deliver a person convicted of an offense in this state to the
4 department of corrections shall endorse upon the papers required by section 217.305 both the dates
5 the offender was in custody and the period of time to be credited toward the service of the sentence
6 of imprisonment, except as endorsed by such officer.

7 3. If a person convicted of an offense escapes from custody, such escape shall interrupt the
8 sentence. The interruption shall continue until such person is returned to the correctional center
9 where the sentence was being served, or in the case of a person committed to the custody of the
10 department of corrections, to any correctional center operated by the department of corrections. An
11 escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced
12 when the escape occurred.

13 4. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender
14 for that offense, all time served under the vacated sentence shall be credited against the new
15 sentence, unless the time has already been credited to another sentence as provided in subsection 1
16 of this section.

17 5. If a person released from imprisonment on parole or serving a conditional release term
18 violates any of the conditions of his or her parole or release, he or she may be treated as a parole
19 violator. If the ~~board of probation and~~ parole board revokes the parole or conditional release, the
20 paroled person shall serve the remainder of the prison term and conditional release term, as an
21 additional prison term, and the conditionally released person shall serve the remainder of the
22 conditional release term as a prison term, unless released on parole.

23 558.046. The sentencing court may, upon petition, reduce any term of sentence or probation
24 pronounced by the court or a term of conditional release or parole pronounced by the ~~state board of~~
25 ~~probation and~~ parole board if the court determines that:

26 (1) The convicted person was:

27 (a) Convicted of an offense that did not involve violence or the threat of violence; and

28 (b) Convicted of an offense that involved alcohol or illegal drugs; and

29 (2) Since the commission of such offense, the convicted person has successfully completed
30 a detoxification and rehabilitation program; and

31 (3) The convicted person is not:

32 (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor
33 offender as defined by section 558.016; or

34 (b) A persistent sexual offender as defined in section 566.125; or

35 (c) A prior offender, a persistent offender or a class X offender as defined in section
36 558.019.

37 559.026. Except in infraction cases, when probation is granted, the court, in addition to
38 conditions imposed pursuant to section 559.021, may require as a condition of probation that the
39 offender submit to a period of detention up to forty-eight hours after the determination by a
40 probation or parole officer that the offender violated a condition of continued probation or parole in
41 an appropriate institution at whatever time or intervals within the period of probation, consecutive or
42 nonconsecutive, the court shall designate, or the ~~board~~ division of probation and parole shall
43 direct. Any person placed on probation in a county of the first class or second class or in any city
44 with a population of five hundred thousand or more and detained as herein provided shall be subject
45 to all provisions of section 221.170, even though he was not convicted and sentenced to a jail or
46 workhouse.

47 (1) In misdemeanor cases, the period of detention under this section shall not exceed the
48 shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by

1 chapter 558.

2 (2) In felony cases, the period of detention under this section shall not exceed one hundred
3 twenty days.

4 (3) If probation is revoked and a term of imprisonment is served by reason thereof, the time
5 spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition
6 of probation shall be credited against the prison or jail term served for the offense in connection
7 with which the detention condition was imposed.

8 559.105. 1. Any person who has been found guilty of or has pled guilty to an offense may
9 be ordered by the court to make restitution to the victim for the victim's losses due to such offense.
10 Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses
11 to participate in the prosecution of the crime.

12 2. No person ordered by the court to pay restitution pursuant to this section shall be released
13 from probation until such restitution is complete. If full restitution is not made within the original
14 term of probation, the court shall order the maximum term of probation allowed for such offense.

15 3. Any person eligible to be released on parole shall be required, as a condition of parole, to
16 make restitution pursuant to this section. The ~~[board of probation and]~~ parole board shall not release
17 any person from any term of parole for such offense until the person has completed such restitution,
18 or until the maximum term of parole for such offense has been served.

19 4. The court may set an amount of restitution to be paid by the defendant. Said amount may
20 be taken from the inmate's account at the department of corrections while the defendant is
21 incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is
22 unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or
23 parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting
24 attorney or circuit attorney may refer any failure to make such restitution as a condition of
25 conditional release or parole to the parole board for enforcement.

26 559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
27 probation to an offender who has been found guilty of an offense in:

28 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
29 ~~[566.212, 566.213]~~ 566.210, 566.211, 568.020, ~~[568.080, or 568.090]~~ 573.200, or 573.205, based on
30 an act committed on or after August 28, 2006; or

31 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
32 committed on or after January 1, 2017, against a victim who was less than fourteen years of age and
33 the offender is a prior sex offender as defined in subsection 2 of this section;

34
35 the court shall order that the offender be supervised by the ~~[board]~~ division of probation and parole
36 for the duration of his or her natural life.

37 2. For the purpose of this section, a prior sex offender is a person who has previously been
38 found guilty of an offense contained in chapter 566, or violating section 568.020, when the person
39 had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2)
40 of subsection 1 of section 568.045.

41 3. When probation for the duration of the offender's natural life has been ordered, a
42 mandatory condition of such probation is that the offender be electronically monitored. Electronic
43 monitoring shall be based on a global positioning system or other technology that identifies and
44 records the offender's location at all times.

45 4. In appropriate cases as determined by a risk assessment, the court may terminate the
46 probation of an offender who is being supervised under this section when the offender is sixty-five
47 years of age or older.

48 559.115. 1. Neither probation nor parole shall be granted by the circuit court between the

1 time the transcript on appeal from the offender's conviction has been filed in appellate court and the
2 disposition of the appeal by such court.

3 2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its
4 own motion and not that of the state or the offender shall have the power to grant probation to an
5 offender anytime up to one hundred twenty days after such offender has been delivered to the
6 department of corrections but not thereafter. The court may request information and a
7 recommendation from the department concerning the offender and such offender's behavior during
8 the period of incarceration. Except as provided in this section, the court may place the offender on
9 probation in a program created pursuant to section 217.777, or may place the offender on probation
10 with any other conditions authorized by law.

11 3. The court may recommend placement of an offender in a department of corrections one
12 hundred twenty-day program under this subsection or order such placement under subsection 4 of
13 section 559.036. Upon the recommendation or order of the court, the department of corrections
14 shall assess each offender to determine the appropriate one hundred twenty-day program in which to
15 place the offender, which may include placement in the shock incarceration program or institutional
16 treatment program. When the court recommends and receives placement of an offender in a
17 department of corrections one hundred twenty-day program, the offender shall be released on
18 probation if the department of corrections determines that the offender has successfully completed
19 the program except as follows. Upon successful completion of a program under this subsection, the
20 ~~[board]~~ division of probation and parole shall advise the sentencing court of an offender's
21 probationary release date thirty days prior to release. The court shall follow the recommendation of
22 the department unless the court determines that probation is not appropriate. If the court determines
23 that probation is not appropriate, the court may order the execution of the offender's sentence only
24 after conducting a hearing on the matter within ninety to one hundred twenty days from the date the
25 offender was delivered to the department of corrections. If the department determines the offender
26 has not successfully completed a one hundred twenty-day program under this subsection, the
27 offender shall be removed from the program and the court shall be advised of the removal. The
28 department shall report on the offender's participation in the program and may provide
29 recommendations for terms and conditions of an offender's probation. The court shall then have the
30 power to grant probation or order the execution of the offender's sentence.

31 4. If the court is advised that an offender is not eligible for placement in a one hundred
32 twenty-day program under subsection 3 of this section, the court shall consider other authorized
33 dispositions. If the department of corrections one hundred twenty-day program under subsection 3
34 of this section is full, the court may place the offender in a private program approved by the
35 department of corrections or the court, the expenses of such program to be paid by the offender, or
36 in an available program offered by another organization. If the offender is convicted of a class C,
37 class D, or class E nonviolent felony, the court may order probation while awaiting appointment to
38 treatment.

39 5. Except when the offender has been found to be a predatory sexual offender pursuant to
40 section 566.125, the court shall request the department of corrections to conduct a sexual offender
41 assessment if the defendant has been found guilty of sexual abuse when classified as a class B
42 felony. Upon completion of the assessment, the department shall provide to the court a report on the
43 offender and may provide recommendations for terms and conditions of an offender's probation.
44 The assessment shall not be considered a one hundred twenty-day program as provided under
45 subsection 3 of this section. The process for granting probation to an offender who has completed
46 the assessment shall be as provided under subsections 2 and 6 of this section.

47 6. Unless the offender is being granted probation pursuant to successful completion of a one
48 hundred twenty-day program the circuit court shall notify the state in writing when the court intends

1 to grant probation to the offender pursuant to the provisions of this section. The state may, in
2 writing, request a hearing within ten days of receipt of the court's notification that the court intends
3 to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as
4 reasonably possible. If the state does not respond to the court's notice in writing within ten days, the
5 court may proceed upon its own motion to grant probation.

6 7. An offender's first incarceration under this section prior to release on probation shall not
7 be considered a previous prison commitment for the purpose of determining a minimum prison term
8 under the provisions of section 558.019.

9 8. Notwithstanding any other provision of law, probation may not be granted pursuant to
10 this section to offenders who have been convicted of murder in the second degree pursuant to
11 section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013;
12 rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it
13 existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in
14 the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section
15 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class
16 A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an
17 offender who has been found to be a predatory sexual offender pursuant to section 566.125; or any
18 offense in which there exists a statutory prohibition against either probation or parole.

19 559.125. 1. The clerk of the court shall keep in a permanent file all applications for
20 probation or parole by the court, and shall keep in such manner as may be prescribed by the court
21 complete and full records of all presentence investigations requested, probations or paroles granted,
22 revoked or terminated and all discharges from probations or paroles. All court orders relating to any
23 presentence investigation requested and probation or parole granted under the provisions of this
24 chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant
25 subject to any such order is subject to an investigation or is under the supervision of the ~~[state board]~~
26 division of probation and parole, a copy of the order shall be sent to the ~~[board]~~ division of
27 probation and parole. In any county where a parole board ceases to exist, the clerk of the court shall
28 preserve the records of that parole board.

29 2. Information and data obtained by a probation or parole officer shall be privileged
30 information and shall not be receivable in any court. Such information shall not be disclosed
31 directly or indirectly to anyone other than the members of a parole board and the judge entitled to
32 receive reports, except the court, the division of probation and parole, or the parole board may in its
33 discretion permit the inspection of the report, or parts of such report, by the defendant, or offender
34 or his or her attorney, or other person having a proper interest therein.

35 3. The provisions of subsection 2 of this section notwithstanding, the presentence
36 investigation report shall be made available to the state and all information and data obtained in
37 connection with preparation of the presentence investigation report may be made available to the
38 state at the discretion of the court upon a showing that the receipt of the information and data is in
39 the best interest of the state.

40 559.600. 1. In cases where the ~~[board]~~ division of probation and parole is not required
41 under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor
42 offenders, the circuit and associate circuit judges in a circuit may contract with one or more private
43 entities or other court-approved entity to provide such services. The court-approved entity,
44 including private or other entities, shall act as a misdemeanor probation office in that circuit and
45 shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for
46 class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for
47 violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit
48 the ~~[board]~~ division of probation and parole, or the court, from supervising misdemeanor offenders

1 in a circuit where the judges have entered into a contract with a probation entity.

2 2. In all cases, the entity providing such private probation service shall utilize the cutoff
3 concentrations utilized by the department of corrections with regard to drug and alcohol screening
4 for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff
5 concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.

6 3. In all cases, the entity providing such private probation service shall not require the
7 clients assigned to such entity to travel in excess of fifty miles in order to attend their regular
8 probation meetings.

9 559.602. A private entity seeking to provide probation supervision and rehabilitation
10 services to misdemeanor offenders shall make timely written application to the judges in a circuit.
11 When approved by the judges of a circuit, the application, the judicial order of approval and the
12 contract shall be forwarded to the ~~[board]~~ division of probation and parole. The contract shall
13 contain the responsibilities of the private entity, including the offenses for which persons will be
14 supervised. The ~~[board]~~ division may then withdraw supervision of misdemeanor offenders which
15 are to be supervised by the court-approved private entity in that circuit.

16 559.607. 1. Judges of the municipal division in any circuit, acting through a chief or
17 presiding judge, either may contract with a private or public entity or may employ any qualified
18 person to serve as the city's probation officer to provide probation and rehabilitation services for
19 persons placed on probation for violation of any ordinance of the city, specifically including the
20 offense of operating or being in physical control of a motor vehicle while under the influence of
21 intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part
22 of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615.
23 Persons found guilty or pleading guilty to ordinance violations and placed on probation by
24 municipal or city court judges shall contribute a service fee to the court in the amount set forth in
25 section 559.604 to pay the cost of their probation supervision provided by a probation officer
26 employed by the court or by a contract probation officer as provided for in section 559.604.

27 2. When approved by municipal court judges in the municipal division, the application,
28 judicial order of approval, and the contract shall be forwarded to and filed with the ~~[board]~~ division
29 of probation and parole. The court-approved private or public entity or probation officer employed
30 by the court shall then function as the probation office for the city, pursuant to the terms of the
31 contract or conditions of employment and the terms of probation ordered by the judge. Any city in
32 this state which presently does not have probation services available for persons convicted of its
33 ordinance violations, or that contracts out those services with a private entity, may, under the
34 procedures authorized in sections 559.600 to 559.615, contract with and continue to contract with a
35 private entity or employ any qualified person and contract with the municipal division to provide
36 such probation supervision and rehabilitation services.

37 566.145. 1. A person commits the offense of sexual conduct with a prisoner or offender if
38 he or she:

39 (1) Is an employee of, or assigned to work in, any jail, prison or correctional facility and
40 engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or
41 correctional facility; or

42 (2) Is a probation and parole officer and engages in sexual conduct with an offender who is
43 under the direct supervision of the officer.

44 2. For the purposes of this section the following terms shall mean:

45 (1) "Offender", includes any person in the custody of a prison or correctional facility and
46 any person who is under the supervision of the ~~[state board]~~ division of probation and parole;

47 (2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after
48 disposition of a charge.

1 3. The offense of sexual conduct with a prisoner or offender is a class E felony.

2 4. Consent of a prisoner or offender is not a defense.

3 571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise
4 provided by sections 571.101 to 571.121, if he or she knowingly:

5 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any
6 other weapon readily capable of lethal use into any area where firearms are restricted under section
7 571.107; or

8 (2) Sets a spring gun; or

9 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or
10 motor vehicle as defined in section 302.010, or any building or structure used for the assembling of
11 people; or

12 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal
13 use in an angry or threatening manner; or

14 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
15 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in
16 either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting
17 in self-defense; or

18 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
19 courthouse, or church building; or

20 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across
21 a public highway or discharges or shoots a firearm into any outbuilding; or

22 (8) Carries a firearm or any other weapon readily capable of lethal use into any church or
23 place where people have assembled for worship, or into any election precinct on any election day, or
24 into any building owned or occupied by any agency of the federal government, state government, or
25 political subdivision thereof; or

26 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010,
27 discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or
28 habitable structure, unless the person was lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of
30 lethal use into any school, onto any school bus, or onto the premises of any function or activity
31 sponsored or sanctioned by school officials or the district school board; or

32 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is
33 sufficient for a felony violation of section 579.015.

34 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
35 persons described in this subsection, regardless of whether such uses are reasonably associated with
36 or are necessary to the fulfillment of such person's official duties except as otherwise provided in
37 this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply
38 to or affect any of the following persons, when such uses are reasonably associated with or are
39 necessary to the fulfillment of such person's official duties, except as otherwise provided in this
40 subsection:

41 (1) All state, county and municipal peace officers who have completed the training required
42 by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and
43 who possess the duty and power of arrest for violation of the general criminal laws of the state or for
44 violation of ordinances of counties or municipalities of the state, whether such officers are on or off
45 duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or
46 all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the
47 identification defined in subsection 13 of this section, or any person summoned by such officers to
48 assist in making arrests or preserving the peace while actually engaged in assisting such officer;

1 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
2 institutions for the detention of persons accused or convicted of crime;

3 (3) Members of the Armed Forces or National Guard while performing their official duty;

4 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the
5 judicial power of the state and those persons vested by Article III of the Constitution of the United
6 States with the judicial power of the United States, the members of the federal judiciary;

7 (5) Any person whose bona fide duty is to execute process, civil or criminal;

8 (6) Any federal probation officer or federal flight deck officer as defined under the federal
9 flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on
10 duty, or within the law enforcement agency's jurisdiction;

11 (7) Any state probation or parole officer, including supervisors and members of the ~~[board~~
12 ~~of probation and] parole board;~~

13 (8) Any corporate security advisor meeting the definition and fulfilling the requirements of
14 the regulations established by the department of public safety under section 590.750;

15 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

16 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit
17 attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed
18 by a court to be a special prosecutor who has completed the firearms safety training course required
19 under subsection 2 of section 571.111;

20 (11) Any member of a fire department or fire protection district who is employed on a full-
21 time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to
22 August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are
23 reasonably associated with or are necessary to the fulfillment of such person's official duties; and

24 (12) Upon the written approval of the governing body of a fire department or fire protection
25 district, any paid fire department or fire protection district member who is employed on a full-time
26 basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid
27 concealed carry permit, when such uses are reasonably associated with or are necessary to the
28 fulfillment of such person's official duties.

29 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the
30 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
31 ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision
32 (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or
33 eighteen years of age or older and a member of the United States Armed Forces, or honorably
34 discharged from the United States Armed Forces, transporting a concealable firearm in the
35 passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise
36 lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile
37 weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which
38 the actor has possession, authority or control, or is traveling in a continuous journey peaceably
39 through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is
40 otherwise lawfully possessed by a person while traversing school premises for the purposes of
41 transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a
42 school-sanctioned firearm-related event or club event.

43 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person
44 who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid
45 concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to
46 carry concealed firearms issued by another state or political subdivision of another state.

47 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
48 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

1 6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit
2 any state employee from having a firearm in the employee's vehicle on the state's property provided
3 that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state
4 as an employer when the state employee's vehicle is on property owned or leased by the state and
5 the state employee is conducting activities within the scope of his or her employment. For the
6 purposes of this subsection, "state employee" means an employee of the executive, legislative, or
7 judicial branch of the government of the state of Missouri.

8 7. Nothing in this section shall make it unlawful for a student to actually participate in
9 school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored
10 or club-sponsored firearm-related events, provided the student does not carry a firearm or other
11 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of
12 any other function or activity sponsored or sanctioned by school officials or the district school
13 board.

14 8. A person who commits the ~~[crime]~~ offense of unlawful use of weapons under:

15 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E
16 felony;

17 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B
18 misdemeanor, except when a concealed weapon is carried onto any private property whose owner
19 has posted the premises as being off-limits to concealed firearms by means of one or more signs
20 displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the
21 writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of
22 section 571.107 shall apply;

23 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A
24 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

25 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except
26 that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
27 another person, it is a class A felony.

28 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

29 (1) For the first violation a person shall be sentenced to the maximum authorized term of
30 imprisonment for a class B felony;

31 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
32 sentenced to the maximum authorized term of imprisonment for a class B felony without the
33 possibility of parole, probation or conditional release for a term of ten years;

34 (3) For any violation by a persistent offender as defined in section 558.016, a person shall
35 be sentenced to the maximum authorized term of imprisonment for a class B felony without the
36 possibility of parole, probation, or conditional release;

37 (4) For any violation which results in injury or death to another person, a person shall be
38 sentenced to an authorized disposition for a class A felony.

39 10. Any person knowingly aiding or abetting any other person in the violation of
40 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed
41 by this section for violations by other persons.

42 11. Notwithstanding any other provision of law, no person who pleads guilty to or is found
43 guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of
44 sentence if such person has previously received a suspended imposition of sentence for any other
45 firearms- or weapons-related felony offense.

46 12. As used in this section "qualified retired peace officer" means an individual who:

47 (1) Retired in good standing from service with a public agency as a peace officer, other than
48 for reasons of mental instability;

1 (2) Before such retirement, was authorized by law to engage in or supervise the prevention,
2 detection, investigation, or prosecution of, or the incarceration of any person for, any violation of
3 law, and had statutory powers of arrest;

4 (3) Before such retirement, was regularly employed as a peace officer for an aggregate of
5 fifteen years or more, or retired from service with such agency, after completing any applicable
6 probationary period of such service, due to a service-connected disability, as determined by such
7 agency;

8 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a
9 plan is available;

10 (5) During the most recent twelve-month period, has met, at the expense of the individual,
11 the standards for training and qualification for active peace officers to carry firearms;

12 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
13 substance; and

14 (7) Is not prohibited by federal law from receiving a firearm.

15 13. The identification required by subdivision (1) of subsection 2 of this section is:

16 (1) A photographic identification issued by the agency from which the individual retired
17 from service as a peace officer that indicates that the individual has, not less recently than one year
18 before the date the individual is carrying the concealed firearm, been tested or otherwise found by
19 the agency to meet the standards established by the agency for training and qualification for active
20 peace officers to carry a firearm of the same type as the concealed firearm; or

21 (2) A photographic identification issued by the agency from which the individual retired
22 from service as a peace officer; and

23 (3) A certification issued by the state in which the individual resides that indicates that the
24 individual has, not less recently than one year before the date the individual is carrying the
25 concealed firearm, been tested or otherwise found by the state to meet the standards established by
26 the state for training and qualification for active peace officers to carry a firearm of the same type as
27 the concealed firearm."; and

28
29 Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after all of said section and
30 line the following:

31
32 "575.205. 1. A person commits the offense of tampering with electronic monitoring
33 equipment if he or she intentionally removes, alters, tampers with, damages, or destroys electronic
34 monitoring equipment which a court, division of probation and parole, or the [~~board of probation~~
35 ~~and~~] parole board has required such person to wear.

36 2. This section does not apply to the owner of the equipment or an agent of the owner who
37 is performing ordinary maintenance or repairs on the equipment.

38 3. The offense of tampering with electronic monitoring equipment is a class D felony.

39 575.206. 1. A person commits the offense of violating a condition of lifetime supervision if
40 he or she knowingly violates a condition of probation, parole, or conditional release when such
41 condition was imposed by an order of a court under section 559.106 or an order of the [~~board of~~
42 ~~probation and~~] parole board under section 217.735.

43 2. The offense of violating a condition of lifetime supervision is a class D felony.

44 589.042. The court or the [~~board of probation and~~] parole board shall have the authority to
45 require a person who is required to register as a sexual offender under sections 589.400 to 589.425
46 to give his or her assigned probation or parole officer access to his or her personal home computer
47 as a condition of probation or parole in order to monitor and prevent such offender from obtaining
48 and keeping child pornography or from committing an offense under chapter 566. Such access shall

1 allow the probation or parole officer to view the internet use history, computer hardware, and
2 computer software of any computer, including a laptop computer, that the offender owns."; and

3
4 Further amend said bill,"; and

5
6 Further amend said amendment, Page 1, Line5, by deleting said line and inserting in lieu thereof the
7 following:

8
9 "regarding a license issued by the director under this chapter.

10 650.055. 1. Every individual who:

11 (1) Is found guilty of a felony or any offense under chapter 566; or

12 (2) Is seventeen years of age or older and arrested for burglary in the first degree under
13 section 569.160, or burglary in the second degree under section 569.170, or a felony offense under
14 chapter 565, 566, 567, 568, or 573; or

15 (3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to
16 632.513; or

17 (4) Is an individual required to register as a sexual offender under sections 589.400 to
18 589.425;

19
20 shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes
21 of DNA profiling analysis.

22 2. Any individual subject to DNA collection and profiling analysis under this section shall
23 provide a DNA sample:

24 (1) Upon booking at a county jail or detention facility; or

25 (2) Upon entering or before release from the department of corrections reception and
26 diagnostic centers; or

27 (3) Upon entering or before release from a county jail or detention facility, state correctional
28 facility, or any other detention facility or institution, whether operated by a private, local, or state
29 agency, or any mental health facility if committed as a sexually violent predator pursuant to sections
30 632.480 to 632.513; or

31 (4) When the state accepts a person from another state under any interstate compact, or
32 under any other reciprocal agreement with any county, state, or federal agency, or any other
33 provision of law, whether or not the person is confined or released, the acceptance is conditional on
34 the person providing a DNA sample if the person was found guilty of a felony offense in any other
35 jurisdiction; or

36 (5) If such individual is under the jurisdiction of the department of corrections. Such
37 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
38 217.650, and on parole, as also defined in section 217.650; or

39 (6) At the time of registering as a sex offender under sections 589.400 to 589.425.

40 3. The Missouri state highway patrol and department of corrections shall be responsible for
41 ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this
42 section shall be required to provide such sample, without the right of refusal, at a collection site
43 designated by the Missouri state highway patrol and the department of corrections. Authorized
44 personnel collecting or assisting in the collection of samples shall not be liable in any civil or
45 criminal action when the act is performed in a reasonable manner. Such force may be used as
46 necessary to the effectual carrying out and application of such processes and operations. The
47 enforcement of these provisions by the authorities in charge of state correctional institutions and
48 others having custody or jurisdiction over individuals included in subsection 1 of this section which

1 shall not be set aside or reversed is hereby made mandatory. The [board] division of probation or
2 parole shall recommend that an individual on probation or parole who refuses to provide a DNA
3 sample have his or her probation or parole revoked. In the event that a person's DNA sample is not
4 adequate for any reason, the person shall provide another sample for analysis.

5 4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA
6 database records and privacy concerns shall not conflict with procedures and rules applicable to the
7 Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

8 5. Unauthorized use or dissemination of individually identifiable DNA information in a
9 database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

10 6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to
11 keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank
12 system.

13 7. All DNA records and biological materials retained in the DNA profiling system are
14 considered closed records pursuant to chapter 610. All records containing any information held or
15 maintained by any person or by any agency, department, or political subdivision of the state
16 concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed,
17 except to:

18 (1) Peace officers, as defined in section 590.010, and other employees of law enforcement
19 agencies who need to obtain such records to perform their public duties;

20 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
21 defined in chapter 27;

22 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees
23 who need to obtain such records to perform their public duties;

24 (4) The individual whose DNA sample has been collected, or his or her attorney; or

25 (5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
26 judges, and their employees who need to obtain such records to perform their public duties.

27 8. Any person who obtains records pursuant to the provisions of this section shall use such
28 records only for investigative and prosecutorial purposes, including but not limited to use at any
29 criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including
30 identification of human remains. Such records shall be considered strictly confidential and shall
31 only be released as authorized by this section.

32 9. (1) An individual may request expungement of his or her DNA sample and DNA profile
33 through the court issuing the reversal or dismissal, or through the court granting an expungement of
34 all official records under section 568.040. A certified copy of the court order establishing that such
35 conviction has been reversed, guilty plea has been set aside, or expungement has been granted under
36 section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of
37 the court order, the laboratory will determine that the requesting individual has no other qualifying
38 offense as a result of any separate plea or conviction and no other qualifying arrest prior to
39 expungement.

40 (2) A person whose DNA record or DNA profile has been included in the state DNA
41 database in accordance with this section and sections 650.050, 650.052, and 650.100 may request
42 expungement on the grounds that the conviction has been reversed, the guilty plea on which the
43 authority for including that person's DNA record or DNA profile was based has been set aside, or an
44 expungement of all official records has been granted by the court under section 568.040.

45 (3) Upon receipt of a written request for expungement, a certified copy of the final court
46 order reversing the conviction, setting aside the plea, or granting an expungement of all official
47 records under section 568.040, and any other information necessary to ascertain the validity of the
48 request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and

1 identifiable information in the state DNA database pertaining to the person and destroy the DNA
 2 sample of the person, unless the Missouri state highway patrol determines that the person is
 3 otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order,
 4 the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA
 5 sample and DNA profile, or the basis for its determination that the person is otherwise obligated to
 6 submit a DNA sample.

7 (4) The Missouri state highway patrol is not required to destroy any item of physical
 8 evidence obtained from a DNA sample if evidence relating to another person would thereby be
 9 destroyed.

10 (5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the
 11 database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated
 12 or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

13 10. When a DNA sample is taken from an individual pursuant to subdivision (2) of
 14 subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency
 15 of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory
 16 within ninety days of receiving such notification. Within thirty days of being notified by the
 17 arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol
 18 crime laboratory shall determine whether the individual has any other qualifying offenses or arrests
 19 that would require a DNA sample to be taken and retained. If the individual has no other qualifying
 20 offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the
 21 arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample
 22 of such person.

23 11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of
 24 this section and charges are filed:

25 (1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol
 26 crime laboratory that such charges have been withdrawn;

27 (2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory
 28 of such dismissal;

29 (3) If the court finds at the preliminary hearing that there is no probable cause that the
 30 defendant committed the offense, the court shall notify the state highway patrol crime laboratory of
 31 such finding;

32 (4) If the defendant is found not guilty, the court shall notify the state highway patrol crime
 33 laboratory of such verdict.

34
 35 If the state highway patrol crime laboratory receives notice under this subsection, such crime
 36 laboratory shall determine, within thirty days, whether the individual has any other qualifying
 37 offenses or arrests that would require a DNA sample to be taken. If the individual has no other
 38 qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database
 39 pertaining to such person and destroy the person's DNA sample.

40 650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was
 41 found guilty of a felony in a Missouri court and was later determined to be actually innocent of such
 42 crime solely as a result of DNA profiling analysis may be paid restitution. The individual may
 43 receive an amount of one hundred dollars per day for each day of postconviction incarceration for
 44 the crime for which the individual is determined to be actually innocent. The petition for the
 45 payment of said restitution shall be filed with the sentencing court. For the purposes of this section,
 46 the term "actually innocent" shall mean:

47 (1) The individual was convicted of a felony for which a final order of release was entered
 48 by the court;

1 (2) All appeals of the order of release have been exhausted;

2 (3) The individual was not serving any term of a sentence for any other crime concurrently
3 with the sentence for which he or she is determined to be actually innocent, unless such individual
4 was serving another concurrent sentence because his or her parole was revoked by a court or the
5 ~~[board of probation and]~~ parole board in connection with the crime for which the person has been
6 exonerated. Regardless of whether any other basis may exist for the revocation of the person's
7 probation or parole at the time of conviction for the crime for which the person is later determined
8 to be actually innocent, when the court's or the ~~[board of probation and parole's]~~ parole board's sole
9 stated reason for the revocation in its order is the conviction for the crime for which the person is
10 later determined to be actually innocent, such order shall, for purposes of this section only, be
11 conclusive evidence that their probation or parole was revoked in connection with the crime for
12 which the person has been exonerated; and

13 (4) Testing ordered under section 547.035, or testing by the order of any state or federal
14 court, if such person was exonerated on or before August 28, 2004, or testing ordered under section
15 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's
16 innocence of the crime for which the person is in custody.

17
18 Any individual who receives restitution under this section shall be prohibited from seeking any civil
19 redress from the state, its departments and agencies, or any employee thereof, or any political
20 subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity
21 for any purposes other than the restitution provided for herein. The department of corrections shall
22 determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are
23 appropriated each fiscal year to pay restitution to such persons, the department shall pay each
24 individual who has received an order awarding restitution a pro rata share of the amount
25 appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to
26 such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the
27 restitution to the individual has been paid in full. However, no individual awarded restitution under
28 this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal
29 year. No interest on unpaid restitution shall be awarded to the individual. No individual who has
30 been determined by the court to be actually innocent shall be responsible for the costs of care under
31 section 217.831.

32 2. If the results of the DNA testing confirm the person's guilt, then the person filing for
33 DNA testing under section 547.035, shall:

34 (1) Be liable for any reasonable costs incurred when conducting the DNA test, including but
35 not limited to the cost of the test. Such costs shall be determined by the court and shall be included
36 in the findings of fact and conclusions of law made by the court; and

37 (2) Be sanctioned under the provisions of section 217.262.

38 3. A petition for payment of restitution under this section may only be filed by the
39 individual determined to be actually innocent or the individual's legal guardian. No claim or
40 petition for restitution under this section may be filed by the individual's heirs or assigns. An
41 individual's right to receive restitution under this section is not assignable or otherwise transferrable.
42 The state's obligation to pay restitution under this section shall cease upon the individual's death.
43 Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to
44 receive such restitution shall be void and unenforceable.

45 4. An individual who is determined to be actually innocent of a crime under this chapter
46 shall automatically be granted an order of expungement from the court in which he or she pled
47 guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea,
48 trial or conviction. Upon granting of the order of expungement, the records and files maintained in

1 any administrative or court proceeding in an associate or circuit division of the court shall be
2 confidential and only available to the parties or by order of the court for good cause shown. The
3 effect of such order shall be to restore such person to the status he or she occupied prior to such
4 arrest, plea or conviction and as if such event had never taken place. No person as to whom such
5 order has been entered shall be held thereafter under any provision of any law to be guilty of perjury
6 or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such
7 arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any
8 purpose whatsoever and no such inquiry shall be made for information relating to an expungement
9 under this section.

10 ~~[217.660. 1. The chairman of the board of probation and parole shall be the~~
11 ~~director of the division.~~

12 ~~2. In addition to the compensation as a member of the board, any chairman whose term of office~~
13 ~~began before August 28, 1999, shall receive three thousand eight hundred seventy-five dollars per~~
14 ~~year for duties as chairman.]" ; and"; and~~

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.

18
19 THIS AMENDS AMENDMENT NO. 828H05.15H