

FIRST REGULAR SESSION

HOUSE BILL NO. 745

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS.

1673H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.147, 217.703, 559.016, 559.036, and 559.115, RSMo, and to enact in lieu thereof four new sections relating to probation.

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

Section A. Sections 217.147, 217.703, 559.016, 559.036, and 559.115, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections 217.147,
3 559.016, 559.036, and 559.115, to read as follows:

217.147. 1. There is hereby created the "Sentencing and Corrections Oversight
2 Commission". The commission shall be composed of thirteen members as follows:

3 (1) A circuit court judge to be appointed by the chief justice of the Missouri supreme
4 court;

5 (2) Three members to be appointed by the governor with the advice and consent of the
6 senate, one of whom shall be a victim's advocate, one of whom shall be a representative from
7 the Missouri Sheriffs' Association, and one of whom shall be a representative of the Missouri
8 Association of Counties;

9 (3) The following shall be ex officio, voting members:

10 (a) The chair of the senate judiciary committee, or any successor committee that reviews
11 legislation involving crime and criminal procedure, who shall serve as co-chair of the
12 commission and the ranking minority member of such senate committee;

13 (b) The chair of the appropriations-public safety and corrections committee of the house
14 of representatives, or any successor committee that reviews similar legislation, who shall serve
15 as co-chair and the ranking minority member of such house committee;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (c) The director of the Missouri state public defender system, or his or her designee who
17 is a practicing public defender;

18 (d) The executive director of the Missouri office of prosecution services, or his or her
19 designee who is a practicing prosecutor;

20 (e) The director of the department of corrections, or his or her designee;

21 (f) The chairman of the board of probation and parole, or his or her designee;

22 (g) The chief justice of the Missouri supreme court, or his or her designee.

23 2. Beginning with the appointments made after August 28, 2012, the circuit court judge
24 member shall be appointed for four years, two of the members appointed by the governor shall
25 be appointed for three years, and one member appointed by the governor shall be appointed for
26 two years. Thereafter, the members shall be appointed to serve four-year terms and shall serve
27 until a successor is appointed. A vacancy in the office of a member shall be filled by
28 appointment for the remainder of the unexpired term.

29 3. The co-chairs are responsible for establishing and enforcing attendance and voting
30 rules, bylaws, and the frequency, location, and time of meetings, and distributing meeting
31 notices, except that the commission's first meeting shall occur by February 28, 2013, and the
32 commission shall meet at least twice each calendar year.

33 4. The duties of the commission shall include:

34 (1) Monitoring and assisting the implementation of ~~[sections 217.703,]~~ **section**
35 **217.718**~~[-]~~ and subsection ~~[4]~~ **5** of section 559.036~~[-]~~ and evaluating recidivism reductions, cost
36 savings, and other effects resulting from the implementation;

37 (2) Determining ways to reinvest any cost savings to pay for the continued
38 implementation of the sections listed in subdivision (1) of this subsection and other
39 evidence-based practices for reducing recidivism; and

40 (3) Examining the issue of restitution for crime victims, including the amount ordered
41 and collected annually, methods and costs of collection, and restitution's order of priority in
42 official procedures and documents.

43 5. The department, board, and office of state courts administrator shall collect and report
44 any data requested by the commission in a timely fashion.

45 6. The commission shall issue a report to the speaker of the house of representatives,
46 senate president pro tempore, chief justice of the Missouri supreme court, and governor on
47 December 31, 2013, and annually thereafter, detailing the effects of the sections listed in
48 subdivision (1) of subsection 4 and providing the data and analysis demonstrating those effects.
49 The report may also recommend ways to reinvest any cost savings into evidence-based practices
50 to reduce recidivism and possible changes to sentencing and corrections policies and statutes.

51 7. The department of corrections shall provide administrative support to the commission
52 to carry out the duties of this section.

53 8. No member shall receive any compensation for the performance of official duties, but
54 the members who are not otherwise reimbursed by their agency shall be reimbursed for travel
55 and other expenses actually and necessarily incurred in the performance of their duties.

56 9. The provisions of this section shall automatically expire on August 28, 2018.

559.016. 1. Unless terminated [~~as provided in~~] **or modified under** section 559.036 [~~or~~
2 ~~modified under section 217.703~~], the terms during which each probation shall remain conditional
3 and be subject to revocation are:

4 (1) A term of years not less than one year and not to exceed five years for a felony;

5 (2) A term not less than six months and not to exceed two years for a misdemeanor;

6 (3) A term not less than six months and not to exceed one year for an infraction.

7 2. The court shall designate a specific term of probation at the time of sentencing or at
8 the time of suspension of imposition of sentence. [~~Such term may be modified by the division~~
9 ~~of probation and parole under section 217.703.~~]

10 3. The court may extend a period of probation, however, no more than one extension of
11 any probation may be ordered except that the court may extend the total time on probation by one
12 additional year by order of the court if the defendant admits he or she has violated the conditions
13 of his or her probation or is found by the court to have violated the conditions of his or her
14 probation. Total time on any probation term, including any extension, shall not exceed the
15 maximum term as established in subsection 1 of this section plus one additional year if the
16 defendant admits or the court finds that the defendant has violated the conditions of his or her
17 probation.

559.036. 1. A term of probation commences on the day it is imposed. Multiple terms
2 of Missouri probation, whether imposed at the same time or at different times, shall run
3 concurrently. Terms of probation shall also run concurrently with any federal or other state jail,
4 prison, probation or parole term for another offense to which the defendant is or becomes subject
5 during the period, unless otherwise specified by the Missouri court.

6 2. The court may terminate a period of probation and discharge the defendant at any time
7 before completion of the specific term fixed under section 559.016 if warranted by the conduct
8 of the defendant and the ends of justice.

9 **3. (1) The division of probation and parole may file a notification of earned**
10 **discharge from probation with the court for any defendant who has completed at least**
11 **eighteen months of the probation term and is compliant with the terms of supervision as**
12 **ordered by the court and division. The division shall not file a notification of earned**
13 **discharge for any defendant who has not paid ordered restitution in full, is on a term of**

14 **probation for any class A or class B felony, or is subject to lifetime supervision under**
15 **sections 217.735 and 559.106. The division shall notify the prosecuting or circuit attorney**
16 **when a notification of earned discharge is filed.**

17 **(2) The prosecuting or circuit attorney may request a hearing within thirty days**
18 **of the filing on the notification of earned discharge from probation. If the state opposes**
19 **the discharge of the defendant, the prosecuting or circuit attorney shall argue the earned**
20 **discharge is not appropriate and the offender should continue to serve the probation term.**

21 **(3) If a hearing is requested, the court shall hold the hearing and issue its order no**
22 **later than sixty days after the filing of the notification of earned discharge from probation.**
23 **If, after a hearing, the court finds by a preponderance of the evidence that the earned**
24 **discharge is not appropriate, the court shall order the probation term continue, may**
25 **modify the conditions of probation as appropriate, and may order the continued**
26 **supervision of the defendant by either the division of probation and parole or the court.**
27 **If, after a hearing, the court finds that the earned discharge is appropriate, the court shall**
28 **order the defendant discharged from probation.**

29 **(4) If the prosecuting or circuit attorney does not request a hearing, the court shall**
30 **order the defendant discharged from probation within thirty days of the filing of the**
31 **notification of earned discharge from probation.**

32 **3.** The court may extend the term of the probation, but no more than one extension of
33 any probation may be ordered, except that the court may extend the term of probation by one
34 additional year by order of the court if the defendant admits he or she has violated the conditions
35 of probation or is found by the court to have violated the conditions of his or her probation.
36 Total time on any probation term, including any extension shall not exceed the maximum term
37 established in section 559.016. Procedures for termination, discharge, and extension may be
38 established by rule of court.

39 ~~[3-]~~ **4.** If the defendant violates a condition of probation at any time prior to the
40 expiration or termination of the probation term, the court may continue him or her on the existing
41 conditions, with or without modifying or enlarging the conditions or extending the term.

42 ~~[4-]~~ **5.** (1) Unless the defendant consents to the revocation of probation, if a
43 continuation, modification, enlargement or extension is not appropriate under this section, the
44 court shall order placement of the offender in one of the department of corrections' one hundred
45 twenty-day programs so long as:

46 (a) The underlying offense for the probation is a class D or E felony or an offense listed
47 in chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon
48 its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender
49 is not eligible if the underlying offense is involuntary manslaughter in the second degree, stalking

50 in the first degree, assault in the second degree, sexual assault, rape in the second degree,
51 domestic assault in the second degree, assault in the third degree when the victim is a special
52 victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual
53 assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering
54 the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section
55 568.045, abuse of a child, invasion of privacy, any case in which the defendant is found guilty
56 of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law
57 enforcement officer in the second degree as such offenses existed prior to January 1, 2017;

58 (b) The probation violation is not the result of the defendant being an absconder or being
59 found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor,
60 or infraction. For purposes of this subsection, "absconder" shall mean an offender under
61 supervision who has left such offender's place of residency without the permission of the
62 offender's supervising officer for the purpose of avoiding supervision;

63 (c) The defendant has not violated any conditions of probation involving the possession
64 or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain
65 individual; and

66 (d) The defendant has not already been placed in one of the programs by the court for
67 the same underlying offense or during the same probation term.

68 (2) Upon receiving the order, the department of corrections shall conduct an assessment
69 of the offender and place such offender in the appropriate one hundred twenty-day program
70 under subsection 3 of section 559.115.

71 (3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the
72 contrary, once the defendant has successfully completed the program under this subsection, the
73 court shall release the defendant to continue to serve the term of probation, which shall not be
74 modified, enlarged, or extended based on the same incident of violation. Time served in the
75 program shall be credited as time served on any sentence imposed for the underlying offense.

76 ~~[5-]~~ **6.** If the defendant consents to the revocation of probation or if the defendant is not
77 eligible under subsection ~~[4]~~ **5** of this section for placement in a program and a continuation,
78 modification, enlargement, or extension of the term under this section is not appropriate, the
79 court may revoke probation and order that any sentence previously imposed be executed. If
80 imposition of sentence was suspended, the court may revoke probation and impose any sentence
81 available under section 557.011. The court may mitigate any sentence of imprisonment by
82 reducing the prison or jail term by all or part of the time the defendant was on probation. The
83 court may, upon revocation of probation, place an offender on a second term of probation. Such
84 probation shall be for a term of probation as provided by section 559.016, notwithstanding any
85 amount of time served by the offender on the first term of probation.

86 ~~[6-]~~ 7. Probation shall not be revoked without giving the probationer notice and an
87 opportunity to be heard on the issues of whether such probationer violated a condition of
88 probation and, if a condition was violated, whether revocation is warranted under all the
89 circumstances. Not less than five business days prior to the date set for a hearing on the
90 violation, except for a good cause shown, the judge shall inform the probationer that he or she
91 may have the right to request the appointment of counsel if the probationer is unable to retain
92 counsel. If the probationer requests counsel, the judge shall determine whether counsel is
93 necessary to protect the probationer's due process rights. If the judge determines that counsel is
94 not necessary, the judge shall state the grounds for the decision in the record.

95 ~~[7-]~~ 8. The prosecuting or circuit attorney may file a motion to revoke probation or at any
96 time during the term of probation, the court may issue a notice to the probationer to appear to
97 answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such
98 notice shall be personally served upon the probationer. The warrant shall authorize the return
99 of the probationer to the custody of the court or to any suitable detention facility designated by
100 the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own
101 motion, the court may immediately enter an order suspending the period of probation and may
102 order a warrant for the defendant's arrest. The probation shall remain suspended until the court
103 rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the
104 probation reinstated.

105 ~~[8-]~~ 9. The power of the court to revoke probation shall extend for the duration of the
106 term of probation designated by the court and for any further period which is reasonably
107 necessary for the adjudication of matters arising before its expiration, provided that some
108 affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the
109 expiration of the period and that every reasonable effort is made to notify the probationer and to
110 conduct the hearing prior to the expiration of the period.

111 ~~[9-]~~ 10. A defendant who was sentenced prior to January 1, 2017 to an offense that was
112 eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection ~~[4]~~ 5 of
113 this section for the court ordered detention sanction shall continue to remain eligible for the
114 sanction so long as the defendant meets all the other requirements provided under subsection ~~[4]~~
115 5 of this section.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between
2 the time the transcript on appeal from the offender's conviction has been filed in appellate court
3 and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon
5 its own motion and not that of the state or the offender shall have the power to grant probation
6 to an offender anytime up to one hundred twenty days after such offender has been delivered to

7 the department of corrections but not thereafter. The court may request information and a
8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this subsection or order such placement under subsection
14 [4] 5 of section 559.036. Upon the recommendation or order of the court, the department of
15 corrections shall assess each offender to determine the appropriate one hundred twenty-day
16 program in which to place the offender, which may include placement in the shock incarceration
17 program or institutional treatment program. When the court recommends and receives placement
18 of an offender in a department of corrections one hundred twenty-day program, the offender shall
19 be released on probation if the department of corrections determines that the offender has
20 successfully completed the program except as follows. Upon successful completion of a
21 program under this subsection, the board of probation and parole shall advise the sentencing
22 court of an offender's probationary release date thirty days prior to release. The court shall
23 follow the recommendation of the department unless the court determines that probation is not
24 appropriate. If the court determines that probation is not appropriate, the court may order the
25 execution of the offender's sentence only after conducting a hearing on the matter within ninety
26 to one hundred twenty days from the date the offender was delivered to the department of
27 corrections. If the department determines the offender has not successfully completed a one
28 hundred twenty-day program under this subsection, the offender shall be removed from the
29 program and the court shall be advised of the removal. The department shall report on the
30 offender's participation in the program and may provide recommendations for terms and
31 conditions of an offender's probation. The court shall then have the power to grant probation or
32 order the execution of the offender's sentence.

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

41 5. Except when the offender has been found to be a predatory sexual offender pursuant
42 to section 566.125, the court shall request the department of corrections to conduct a sexual

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

49 6. Unless the offender is being granted probation pursuant to successful completion of
 50 a one hundred twenty-day program the circuit court shall notify the state in writing when the
 51 court intends to grant probation to the offender pursuant to the provisions of this section. The
 52 state may, in writing, request a hearing within ten days of receipt of the court's notification that
 53 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
 54 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
 55 writing within ten days, the court may proceed upon its own motion to grant probation.

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

59 8. Notwithstanding any other provision of law, probation may not be granted pursuant
 60 to this section to offenders who have been convicted of murder in the second degree pursuant
 61 to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28,
 62 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060
 63 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory
 64 rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant
 65 to section 566.062; child molestation in the first degree pursuant to section 566.067 when
 66 classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a
 67 class A felony; or an offender who has been found to be a predatory sexual offender pursuant to
 68 section 566.125; or any offense in which there exists a statutory prohibition against either
 69 probation or parole.

2 ~~[217.703. 1. The division of probation and parole shall award earned~~
 3 ~~compliance credits to any offender who is:~~

4 ~~(1) Not subject to lifetime supervision under sections 217.735 and~~
 5 ~~559.106 or otherwise found to be ineligible to earn credits by a court pursuant to~~
 6 ~~subsection 2 of this section;~~

7 ~~(2) On probation, parole, or conditional release for an offense listed in~~
 8 ~~chapter 579, or an offense previously listed in chapter 195, or for a class D or E~~
 9 ~~felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083,~~
 10 ~~566.093, 568.020, 568.060, offenses defined as sexual assault under section~~
 11 ~~589.015, deviate sexual assault, assault in the second degree under subdivision~~
 12 ~~(2) of subsection 1 of section 565.052, endangering the welfare of a child in the~~

12 first degree under subdivision (2) of subsection 1 of section 568.045, and any
13 offense of aggravated stalking or assault in the second degree under subdivision
14 (2) of subsection 1 of section 565.060 as such offenses existed prior to January
15 1, 2017;

16 ~~_____ (3) Supervised by the division of probation and parole; and~~
17 ~~_____ (4) In compliance with the conditions of supervision imposed by the~~
18 ~~sentencing court or board.~~

19 ~~_____ 2. If an offender was placed on probation, parole, or conditional release~~
20 ~~for an offense of:~~

21 ~~_____ (1) Involuntary manslaughter in the second degree;~~
22 ~~_____ (2) Assault in the second degree except under subdivision (2) of~~
23 ~~subsection 1 of section 565.052 or section 565.060 as it existed prior to January~~
24 ~~1, 2017;~~

25 ~~_____ (3) Domestic assault in the second degree;~~
26 ~~_____ (4) Assault in the third degree when the victim is a special victim or~~
27 ~~assault of a law enforcement officer in the second degree as it existed prior to~~
28 ~~January 1, 2017;~~

29 ~~_____ (5) Statutory rape in the second degree;~~
30 ~~_____ (6) Statutory sodomy in the second degree;~~
31 ~~_____ (7) Endangering the welfare of a child in the first degree under~~
32 ~~subdivision (1) of subsection 1 of section 568.045; or~~

33 ~~_____ (8) Any case in which the defendant is found guilty of a felony offense~~
34 ~~under chapter 571;~~

35

36 ~~_____ the sentencing court may, upon its own motion or a motion of the prosecuting or~~
37 ~~circuit attorney, make a finding that the offender is ineligible to earn compliance~~
38 ~~credits because the nature and circumstances of the offense or the history and~~
39 ~~character of the offender indicate that a longer term of probation, parole, or~~
40 ~~conditional release is necessary for the protection of the public or the guidance~~
41 ~~of the offender. The motion may be made any time prior to the first month in~~
42 ~~which the person may earn compliance credits under this section or at a hearing~~
43 ~~under subsection 5 of this section. The offender's ability to earn credits shall be~~
44 ~~suspended until the court or board makes its finding. If the court or board finds~~
45 ~~that the offender is eligible for earned compliance credits, the credits shall begin~~
46 ~~to accrue on the first day of the next calendar month following the issuance of the~~
47 ~~decision.~~

48 ~~_____ 3. Earned compliance credits shall reduce the term of probation, parole,~~
49 ~~or conditional release by thirty days for each full calendar month of compliance~~
50 ~~with the terms of supervision. Credits shall begin to accrue for eligible offenders~~
51 ~~after the first full calendar month of supervision or on October 1, 2012, if the~~
52 ~~offender began a term of probation, parole, or conditional release before~~
53 ~~September 1, 2012.~~

54 ~~4. For the purposes of this section, the term "compliance" shall mean the~~
55 ~~absence of an initial violation report or notice of citation submitted by a~~
56 ~~probation or parole officer during a calendar month, or a motion to revoke or~~
57 ~~motion to suspend filed by a prosecuting or circuit attorney, against the offender.~~

58 ~~5. Credits shall not accrue during any calendar month in which a~~
59 ~~violation report, which may include a report of absconder status, has been~~
60 ~~submitted, the offender is in custody, or a motion to revoke or motion to suspend~~
61 ~~has been filed, and shall be suspended pending the outcome of a hearing, if a~~
62 ~~hearing is held. If no hearing is held, or if a hearing is held and the offender is~~
63 ~~continued under supervision, or the court or board finds that the violation did not~~
64 ~~occur, then the offender shall be deemed to be in compliance and shall begin~~
65 ~~earning credits on the first day of the next calendar month following the month~~
66 ~~in which the report was submitted or the motion was filed. If a hearing is held,~~
67 ~~all earned credits shall be rescinded if:~~

68 ~~(1) The court or board revokes the probation or parole or the court places~~
69 ~~the offender in a department program under subsection 4 of section 559.036 or~~
70 ~~under section 217.785; or~~

71 ~~(2) The offender is found by the court or board to be ineligible to earn~~
72 ~~compliance credits because the nature and circumstances of the violation indicate~~
73 ~~that a longer term of probation, parole, or conditional release is necessary for the~~
74 ~~protection of the public or the guidance of the offender.~~

75
76 ~~Earned credits, if not rescinded, shall continue to be suspended for a period of~~
77 ~~time during which the court or board has suspended the term of probation, parole,~~
78 ~~or release, and shall begin to accrue on the first day of the next calendar month~~
79 ~~following the lifting of the suspension.~~

80 ~~6. Offenders who are deemed by the division to be absconders shall not~~
81 ~~earn credits. For purposes of this subsection, "absconder" shall mean an offender~~
82 ~~under supervision whose whereabouts are unknown and who has left such~~
83 ~~offender's place of residency without the permission of the offender's supervising~~
84 ~~officer and without notifying of their whereabouts for the purpose of avoiding~~
85 ~~supervision. An offender shall no longer be deemed an absconder when such~~
86 ~~offender is available for active supervision.~~

87 ~~7. Notwithstanding subsection 2 of section 217.730 to the contrary, once~~
88 ~~the combination of time served in custody, if applicable, time served on~~
89 ~~probation, parole, or conditional release, and earned compliance credits satisfy~~
90 ~~the total term of probation, parole, or conditional release, the board or sentencing~~
91 ~~court shall order final discharge of the offender, so long as the offender has~~
92 ~~completed restitution and at least two years of his or her probation, parole, or~~
93 ~~conditional release, which shall include any time served in custody under section~~
94 ~~217.718 and sections 559.036 and 559.115.~~

95 ~~8. The award or rescission of any credits earned under this section shall~~
96 ~~not be subject to appeal or any motion for postconviction relief.~~

97 ~~9. At least twice a year, the division shall calculate the number of months~~
98 ~~the offender has remaining on his or her term of probation, parole, or conditional~~
99 ~~release, taking into consideration any earned compliance credits, and notify the~~
100 ~~offender of the length of the remaining term.~~

101 ~~10. No less than sixty days before the date of final discharge, the division~~
102 ~~shall notify the sentencing court, the board, and, for probation cases, the circuit~~
103 ~~or prosecuting attorney of the impending discharge. If the sentencing court, the~~
104 ~~board, or the circuit or prosecuting attorney upon receiving such notice does not~~
105 ~~take any action under subsection 5 of this section, the offender shall be~~
106 ~~discharged under subsection 7 of this section.~~

107 ~~11. Any offender who was sentenced prior to January 1, 2017, to an~~
108 ~~offense that was eligible for earned compliance credits under subsection 1 or 2~~
109 ~~of this section at the time of sentencing shall continue to remain eligible for~~
110 ~~earned compliance credits so long as the offender meets all the other~~
111 ~~requirements provided under this section.~~

112 ~~12. The application of earned compliance credits shall be suspended upon~~
113 ~~entry into a treatment court, as described in sections 478.001 to 478.009, and~~
114 ~~shall remain suspended until the offender is discharged from such treatment~~
115 ~~court. Upon successful completion of treatment court, all earned compliance~~
116 ~~credits accumulated during the suspension period shall be retroactively applied,~~
117 ~~so long as the other terms and conditions of probation have been successfully~~
118 ~~completed.]~~

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