

FIRST REGULAR SESSION

HOUSE BILL NO. 1173

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (97).

2280H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto seven new sections relating to the community rebound act of 2021, with a delayed effective date.

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

Section A. Chapter 217, RSMo, is amended by adding thereto seven new sections, to be known as sections 217.741, 217.742, 217.743, 217.744, 217.745, 217.746, and 217.747, to read as follows:

217.741. 1. Sections 217.741 to 217.747 shall be known and may be cited as the "Community Rebound Act of 2021".

2. As used in sections 217.741 to 217.747, the following terms mean:

(1) "Baseline parole failure rate", the average of the parole failure rates for fiscal years 2018, 2019, and 2020;

(2) "Baseline probation failure rate", the average of the felony probation failure rates for fiscal years 2018, 2019, and 2020;

(3) "Entering or returning to prison", a revocation of either probation or parole in which the destination is a state-run prison, jail, or other facility for the purpose of incarceration;

(4) "Evidence-based practice", supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post-release supervision;

(5) "Marginal cost of incarceration", the sum of all short-term variable costs associated with incarcerating an individual in a state facility. Only correctional costs that marginally change in proportion to the inmate population of a facility shall be included;

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

17 (6) "Parole failure rate", the quotient of the number of people on parole who
18 returned to prison for violations of the terms of supervision divided by the total number
19 of people on parole. The number of adult parolees returning to prison shall include those
20 parolees convicted of a new offense, as well as those parolees whose parole has been
21 revoked and who are sent to state prison for any other reason including, but not limited
22 to, a technical violation;

23 (7) "Probation and parole programming", any programs consisting of a system of
24 probation and parole supervision services dedicated to:

25 (a) Enhancing public safety through the management and reduction of offender
26 risk while under supervision and upon reentry from prison into the community;

27 (b) Providing a range of supervision tools, sanctions, and services applied to
28 probationers and parolees, based on a risk or needs assessment, for the purposes of
29 reducing criminal conduct and promoting individualized behavioral change that results
30 in reducing recidivism and promoting successful reintegration into the community;

31 (c) Maximizing offender restitution, reconciliation, and restorative services to
32 victims of crime, when applicable;

33 (d) Holding probationers and parolees accountable for successful compliance with
34 applicable court orders and conditions of supervision; or

35 (e) Improving public safety outcomes for persons placed on probation or parole
36 after an offense;

37 (8) "Probation failure rate", the quotient of the number of people on felony
38 probation who were incarcerated for violations of the terms of supervision in a given
39 supervision jurisdiction divided by the total number of people on felony probation in a
40 given supervision jurisdiction. The number of adult probationers entering prison shall
41 include those probationers convicted of a new offense, as well as those probationers whose
42 probation has been revoked and who are sent to state prison for any other reason
43 including, but not limited to, a technical violation;

44 (9) "Supervision and rehabilitative services", services for probationers and
45 parolees, which may include, but are not limited to:

46 (a) Implementing and expanding evidence-based practices for risk and needs
47 assessments for individualized programming;

48 (b) Implementing and expanding intermediate sanctions that include, but are not
49 limited to, mandatory community service, home detention, day reporting, restorative
50 justice programs, and work furlough programs;

51 (c) Expanding the availability of evidence-based practices for rehabilitation
52 programs including, but not limited to, drug and alcohol treatment, mental health

53 treatment, anger management, cognitive behavior programs, and job training and
54 employment services;

55 (d) Hiring additional officers, associates, or other personnel to supervise and help
56 oversee and implement evidence-based practices for rehabilitative programming;

57 (e) Giving financial bonuses to officers in supervision jurisdictions that are
58 awarded funds under this program;

59 (f) Purchasing and adopting new technology or equipment that is relevant and
60 enhancing to the task of supervision or rehabilitation; or

61 (g) Evaluating the effectiveness of rehabilitation and supervision programs and
62 ensuring program fidelity;

63 (10) "Supervision jurisdiction", a regional district of the division of probation and
64 parole of the department of corrections tasked with supervising people on felony probation
65 or parole in a given geographic area.

217.742. 1. Subject to appropriation, the department of corrections shall allocate
2 funds to the division of probation and parole of the department of corrections to
3 administer and implement the provisions of the community rebound act of 2021. Of the
4 funds appropriated and after the division makes appropriate calculations under section
5 217.746, the division shall disburse funding to eligible supervision jurisdictions for use in
6 the following proportions:

7 (1) Sixty percent of allocated incentive funds shall be used to improve supervision
8 and rehabilitative services at the discretion of the respective district administrator;

9 (2) Twenty-five percent of the allocated incentive funds shall be used for
10 performance-based financial bonuses for all officers within a given supervision jurisdiction
11 that receives funding for improved performance; and

12 (3) Fifteen percent of the allocated incentive funds shall be used by the division of
13 probation and parole for administrative and data collection purposes.

14 2. In any fiscal year in which a supervision jurisdiction receives moneys to be
15 expended for the implementation of the community rebound act of 2021, the funds,
16 including any interest, shall be made available to the department of corrections within
17 thirty days of the deposit of such moneys for the implementation of sections 217.741 to
18 217.747.

19 3. The division of budget and planning of the office of administration shall
20 periodically provide oversight regarding the monetary allocation to the specific supervision
21 jurisdictions tasked with administering the moneys to ensure that disbursed funds are
22 being appropriately used as specified in sections 217.741 to 217.747.

23 **4. The division of probation and parole shall maintain a complete and accurate**
24 **accounting of any and all funds used to implement sections 217.741 to 217.747.**

217.743. The division of probation and parole shall define and track specific
2 **outcome-based measures. At a minimum, the outcome-based measures shall include, but**
3 **not be limited to:**

4 **(1) Identifying any parole or probation programs that were eliminated; and**

5 **(2) Calculating the percentage of persons on probation or parole who successfully**
6 **complete the period of supervision in each supervision jurisdiction and statewide in a given**
7 **fiscal year.**

217.744. After the conclusion of each fiscal year, the department of corrections shall
2 **calculate the marginal cost of incarceration in prison for that fiscal year. The calculation**
3 **shall consider factors including, but not limited to, the average length of stay in state**
4 **facilities for persons entering or returning to prison and any variable costs such as health**
5 **care services, food, and clothing.**

217.745. After the conclusion of each fiscal year, the division of probation and
2 **parole shall gather data and calculate for that fiscal year:**

3 **(1) The baseline probation failure rate per supervision jurisdiction;**

4 **(2) The probation failure rate for each supervision jurisdiction;**

5 **(3) The baseline parole failure rate per supervision jurisdiction;**

6 **(4) The parole failure rate for each supervision jurisdiction;**

7 **(5) An estimate of the number of adult probationers and parolees each supervision**
8 **jurisdiction successfully prevented from entering or returning to prison. The estimate shall**
9 **be calculated by comparing the probation failure rate to the baseline probation failure**
10 **rate. The division of probation and parole shall adjust the calculation to account for**
11 **changes in a supervision jurisdiction's adult probation and parole caseload in the most**
12 **recent completed fiscal year as compared to fiscal years 2017 to 2019, inclusive; and**

13 **(6) An accounting of the current total population of probationers and parolees in**
14 **each supervision jurisdiction in each of the last three fiscal years as of the date of the**
15 **required report.**

217.746. 1. The division of budget and planning of the office of administration, in
2 **consultation with the division of probation and parole of the department of corrections,**
3 **shall calculate a probation and parole failure reduction incentive payment for each**
4 **supervision jurisdiction for the most recently completed fiscal year.**

5 **2. For each supervision jurisdiction, the probation and parole failure reduction**
6 **incentive payment, if any, shall equal the estimated number of probationers and parolees**
7 **successfully prevented from entering or returning to prison, compared to the baseline**

8 parole failure rate and baseline probation failure rate of the supervision jurisdiction,
9 multiplied by forty-five percent of the marginal cost of incarceration. The incentive
10 funding for both probation and parole shall be calculated for each supervision jurisdiction,
11 then combined.

12 3. The general assembly shall appropriate the total incentive funding amount for
13 any given year to the division of probation and parole within the department of
14 correction's budget.

15 4. The division of probation and parole shall disburse the incentive funds to each
16 supervision jurisdiction accordingly. If data of sufficient quality and of the types required
17 for the implementation of this act is not available, the division of probation and parole
18 shall use the best available data to estimate probation and parole failure reduction rates
19 utilizing a methodology that is as consistent with the provisions of sections 217.741 to
20 217.747 as reasonably possible.

21 5. Within ninety days of the end of the fiscal year, the department of corrections
22 shall include the total incentive funds due for the most recently completed fiscal year as
23 part of the department of corrections's proposed budget.

24 6. The moneys appropriated for the community rebound act of 2021 shall be used
25 to supplement, not supplant, any other appropriations for the division of probation and
26 parole supervision jurisdictions.

217.747. 1. The division of probation and parole shall deliver an annual written
2 report to the division of budget and planning of the office of administration and to the
3 department of corrections. The report shall account for all funds appropriated to the
4 program established under sections 217.741 to 217.747 and shall evaluate the effectiveness
5 of the program.

6 2. No later than eighteen months after the initial appropriation and annually
7 thereafter, the department of corrections shall submit to the governor and the general
8 assembly a comprehensive report on the implementation of the community rebound act of
9 2021. The report shall include, but not be limited to, information in the applicable year
10 regarding:

11 (1) The effectiveness of programs based on the reports of performance-based
12 outcome measures;

13 (2) The percentage of adult probationers and parolees whose supervision was
14 revoked;

15 (3) The percentage of probationers and parolees who were convicted of crimes
16 during their term of supervision;

17 (4) The impact of the moneys appropriated under sections 217.741 to 217.747 in:

18 **(a) Enhancing public safety by reducing the percentage and number of**
19 **probationers and parolees whose supervision was revoked for violations or new**
20 **convictions; and**

21 **(b) Reducing the number of probationers and parolees entering or returning to**
22 **prison;**

23 **(5) Any recommendations regarding resource allocations or additional**
24 **collaboration with other state, regional, or local entities for improvements to the**
25 **community rebound act of 2021; and**

26 **(6) The number of probationers and parolees whose supervision was revoked solely**
27 **for a violation of the terms of probation or parole, and the number of probationers and**
28 **parolees whose supervision was revoked because of the commission of a new crime.**

Section B. The enactment of sections 217.741, 217.742, 217.743, 217.744, 217.745,
2 217.746, and 217.747 of Section A of this act shall become effective on January 1, 2022.

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