

SECOND REGULAR SESSION

HOUSE BILL NO. 2248

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

4450H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 559.016 and 559.600, RSMo, and to enact in lieu thereof two new sections relating to probation supervision by private entities.

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

Section A. Sections 559.016 and 559.600, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 559.016 and 559.600, to read as follows:

559.016. 1. Unless terminated as provided in section 559.036 or modified under
2 section 217.703, the terms during which each probation shall remain conditional and be
3 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~~ **eighteen months**
6 for a misdemeanor **or municipal ordinance violation**;

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

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

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

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 additional year if the defendant admits or the court finds that the defendant has violated the
18 conditions of his or her probation.

559.600. 1. In cases where the division of probation and parole is not required under
2 section 217.750 to provide probation supervision and rehabilitation services for misdemeanor
3 offenders, the circuit and associate circuit judges in a circuit may contract with one or more
4 private entities or other court-approved entity to provide such services. The court-approved
5 entity, including private or other entities, shall act as a misdemeanor probation office in that
6 circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation
7 by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons
8 placed on probation for violations of section 577.023. Nothing in sections 559.600 to
9 559.615 shall be construed to prohibit the division of probation and parole, or the court, from
10 supervising misdemeanor offenders in a circuit where the judges have entered into a contract
11 with a probation entity.

12 2. In all cases, the entity providing such private probation service shall utilize the
13 cutoff concentrations utilized by the department of corrections with regard to drug and
14 alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is
15 at or above the cutoff concentration or negative if no drug is detected or if drug presence is
16 below the cutoff concentration. **No client shall be required to submit to an alcohol or drug**
17 **test unless the client is on probation for an offense that involved either alcohol or a**
18 **controlled substance or unless ordered by the judge for good cause shown.**

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

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