

HCS HBs 119, 372, 382, 420, 550 & 693 -- OFFENDERS IN CUSTODY

SPONSOR: Shields

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Corrections and Public Institutions by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 7 to 0.

The following is a summary of the House Committee Substitute for HB 119.

OFFENDERS DOMESTIC PHONE CALLS (Sections 217.451 and 221.108)

This bill specifies that no correctional center or other party shall charge an offender more than \$0.12 for a domestic phone call, including fees and any per-minute rate. No jail or other party may charge an inmate in the jail more than an amount for domestic calls as specified in the bill. The maximum rate for inmates depends on whether the particular jail has an average daily population of inmates below 1,000 or of 1,000 or more.

POSTCONVICTION DRUG TREATMENT PROGRAM (Section 217.785)

This bill repeals provisions relating to the Missouri Postconviction Drug Treatment Program, a correctional program for the monitoring, control, and treatment of certain drug abuse offenders.

INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES (Section 217.810)

The bill also repeals the provisions of the "Interstate Compact for the Supervision of Parolees and Probationers" which permits the Governor to enter into an interstate compact with contracting states to allow people convicted of an offense and placed on probation or released on parole to reside in any other state that is party to the Compact.

COST AND EXPENSES OF EXTRADITION (Section 548.241)

Currently, all necessary and proper expenses for the return of a person to Missouri under the Interstate Compact for the Supervision of Parolees and Probationers is paid out of the State Treasury. This bill repeals this provision and provides that any person being returned to Missouri under this will be paid out of either the fund for the Interstate Compact for Adult Offender Supervision or the State Treasury.

CREDIT FOR JAIL TIME (Section 558.031)

This bill modifies provisions relating to credit toward the service of a sentence of imprisonment by changing the beginning of the credit accrual to after the offense occurred, as opposed to the current provision of after conviction. This credit must be based upon the certification of the sheriff, and may be supplemented by a certificate of a sheriff from another jurisdiction having held the person on the charge of the offense for which the sentence is ordered.

The court, when pronouncing sentence, may award additional credit for time spent in prison, jail, or custody before the commencement of the sentence for those in which the person was incarcerated, but for whom no detainer or warrant was served.

GOOD TIME CREDIT (Section 558.041)

This bill also makes changes to the provisions authorizing offenders committed to the Department of Corrections to receive good time credit. Good time credit is time that once earned, shall be subtracted from the offender's minimum eligibility-for-release date. However, the accumulation of such credit does not require that the offender be released; the parole board retains discretion to determine the date of release. Under the provisions of this bill, any major conduct violation or the accumulation of minor conduct violations exceeding six in one year will result in the loss of all credit earned. No offender who has been sentenced to death or life without probation or parole is eligible for good time credit. The Department shall award credit of 60 days to any qualifying offender who successfully completes programs and activities as specified in the bill.

EARNED DISCHARGE (Section 559.036)

The Division of Probation and Parole, within the Department of Corrections, shall file a notification of earned discharge from probation with the court for any eligible defendant who has completed at least two years of their probation term, paid restitution in full, and complied with the terms of their supervision, as determined by the Division's policies. Exceptions to eligibility are specified in the bill.

The prosecuting or circuit attorney must be notified when a notification of earned discharge is filed, and has 30 days to request a hearing. If the state opposes the discharge of the defendant, the attorney shall argue that earned discharge is not appropriate. The court must hold the hearing and issue its order no later than 60 days after the notification of earned discharge.

has been filed. If the court finds that earned discharge is not appropriate, they shall order that probation continue and may modify the conditions of continued probation.

If the prosecuting or circuit attorney does not request a hearing, and the court does not order one, the court shall order the defendant discharged from probation within 60 days of the filing of the notification of earned discharge from probation, but no earlier than 30 days from the filing. The bill also repeals existing provisions related to earned credit.

CONDITIONS OF PROBATION (Section 589.564)

The bill specifies that a circuit court for the jurisdiction in which the probationer is under supervision is authorized to add any condition, upon a petition from the state, to a term of probation for an offender supervised in Missouri for a term of probation ordered by another state. The Division of Probation and Parole within the Department of Correction may submit violation reports to the prosecuting attorney or circuit attorney asking the court to add a condition or sanction to a term of supervision. However, the Division does not have the authorization to reduce, extend, or revoke a term of parole.

MISSOURI INTERSTATE COMPACT FUND (Section 589.565)

The bill specifies that a Missouri probationer or parolee seeking transfer of his or her supervision under the Interstate Compact for Adult Offender Supervision must pay a \$175 fee for each application, unless waived by the Compact Commissioner for an undue economic burden on the offender. The bill establishes the "Missouri Interstate Compact Fund" and all fees collected by the Commissioners shall be paid to the Fund. The money in the fund must be used for the sole benefit of the Department of Corrections as specified in the bill.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill fixes an error that occurred during the amendment and perfection process in the previous session.

Testifying in person for the bill were Representative Shields; and Trevor Foley, Missouri Department of Corrections.

OPPOSERS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.