

SECOND REGULAR SESSION

HOUSE BILL NO. 2170

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

4912H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 56.455, 105.950, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 595.209, 650.055, and 650.058, RSMo, and to enact in lieu thereof forty-two new sections relating to the parole board.

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

Section A. Sections 56.455, 105.950, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 595.209, 650.055, and 650.058, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 56.455, 105.950, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 595.209, 650.055, and 650.058, to read as follows:

56.455. In addition to his other duties, the circuit attorney of the City of St. Louis shall make a detailed report of all information in his possession pertaining to each person committed to the state penitentiary by the circuit court of the City of St. Louis to the director of the state department of corrections ~~[and human resources]~~ and to the state ~~[board of probation and]~~ parole

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.

5 **board.** The report shall include such information as may be requested by such director or board
6 and shall include a summary of such evidence as to the prior convictions of the convict, his
7 mental condition, education and other personal background information which is available to the
8 circuit attorney as well as the date of the crime for which the convict was sentenced, whether he
9 was tried or pleaded guilty, and such facts as are available as to the aggravating or mitigating
10 circumstances of the crime. The circuit attorney may include in the report his recommendation
11 as to whether the convict should be kept in a maximum security institution. The report shall be
12 transmitted within twenty days after the date of the conviction or at such other time as is
13 prescribed by the director of the department of corrections [~~and human resources~~] or [~~board of~~
14 ~~probation and~~] parole **board.**

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

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

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

214.392. 1. The division shall:

2 (1) Recommend prosecution for violations of the provisions of sections 214.270 to
3 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

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

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

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

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

13 (6) The division may promulgate rules necessary to implement the provisions of sections
 14 214.270 to 214.516, including but not limited to:

15 (a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516.
 16 The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and
 17 expense of administering sections 214.270 to 214.516. All moneys received by the division
 18 pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such
 19 moneys to the department of revenue for deposit in the state treasury to the credit of the endowed
 20 care cemetery audit fund created in section 193.265;

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

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

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

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

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

5 (2) "Board", the ~~[board of probation and]~~ parole **board**;

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

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

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

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

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

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

- 18 (9) "Division director", the director of a division of the department or his designee;
- 19 (10) "Local volunteer community board", a board of qualified local community
20 volunteers selected by the court for the purpose of working in partnership with the court and the
21 department of corrections in a reparative probation program;
- 22 (11) "Nonviolent offender", any offender who is convicted of a crime other than murder
23 in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or
24 second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape,
25 sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first
26 degree;
- 27 (12) "Offender", a person under supervision or an inmate in the custody of the
28 department;
- 29 (13) "Probation", a procedure under which a defendant found guilty of a crime upon
30 verdict or plea is released by the court without imprisonment, subject to conditions imposed by
31 the court and subject to the supervision of the ~~[board]~~ **division of probation and parole**;
- 32 (14) "Volunteer", any person who, of his own free will, performs any assigned duties for
33 the department or its divisions with no monetary or material compensation.

217.030. The director shall appoint the directors of the divisions of the department[;
2 ~~except the chairman of the parole board who shall be appointed by the governor~~]. Division
3 directors shall serve at the pleasure of the director[~~, except the chairman of the parole board who~~
4 ~~shall serve in the capacity of chairman at the pleasure of the governor~~]. The director of the
5 department shall be the appointing authority under chapter 36 to employ such administrative,
6 technical and other personnel who may be assigned to the department generally rather than to any
7 of the department divisions or facilities and whose employment is necessary for the performance
8 of the powers and duties of the department.

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

217.270. All correctional employees shall:

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

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

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

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

5 2. Prior to sentencing, any judge considering an offender for this program shall notify
6 the department. The potential candidate for the program shall be screened by the department to
7 determine eligibility. The department shall, by regulation, establish eligibility criteria and inform
8 the court of such criteria. The department shall notify the court as to the offender's eligibility and
9 the availability of space in the program. Notwithstanding any other provision of law to the
10 contrary, except as provided for in section 558.019, if an offender is eligible and there is
11 adequate space, the court may sentence a person to the program which shall consist of
12 institutional drug or alcohol treatment for a period of at least twelve and no more than
13 twenty-four months, as well as a term of incarceration. The department shall determine the
14 nature, intensity, duration, and completion criteria of the education, treatment, and aftercare
15 portions of any program services provided. Execution of the offender's term of incarceration
16 shall be suspended pending completion of said program. Allocation of space in the program may
17 be distributed by the department in proportion to drug arrest patterns in the state. If the court is
18 advised that an offender is not eligible or that there is no space available, the court shall consider
19 other authorized dispositions.

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

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

29 5. An offender's first incarceration in a department of corrections program pursuant to
30 this section prior to release on probation shall not be considered a previous prison commitment
31 for the purpose of determining a minimum prison term pursuant to the provisions of section
32 558.019.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 5. The [~~board~~] **division** of probation and parole shall supervise every offender released
16 to the house arrest program and shall verify compliance with the requirements of this section and
17 such other rules and regulations that the department shall promulgate and may do so by remote
18 electronic surveillance. If any probation/parole officer has probable cause to believe that an
19 offender under house arrest has violated a condition of the house arrest agreement, the
20 probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole
21 officer may effect the arrest or may deputize any officer with the power of arrest to do so by
22 giving the officer a copy of the warrant which shall outline the circumstances of the alleged
23 violation. The warrant delivered with the offender by the arresting officer to the official in
24 charge of any jail or other detention facility to which the offender is brought shall be sufficient
25 legal authority for detaining the offender. An offender arrested under this section shall remain
26 in custody or incarcerated without consideration of bail. The director or his designee, upon
27 recommendation of the probation and parole officer, may direct the return of any offender from
28 house arrest to a correctional facility of the department for reclassification.

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

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

- 3 (1) "Board", the state [~~board of probation and~~] parole **board**;
- 4 (2) "Chairman" or "**chair**", [~~chairman~~] **chair** of the [~~board of probation and~~] parole
- 5 **board**;
- 6 (3) "Diversionary program", a program designed to utilize alternatives to incarceration
- 7 undertaken under the supervision of the board after commitment of an offense and prior to
- 8 arraignment;
- 9 (4) "Parole", the release of an offender to the community by the court or the state [~~board~~
- 10 ~~of probation and~~] parole **board** prior to the expiration of his term, subject to conditions imposed
- 11 by the court or the board and to [~~its~~] **the supervision of the division of probation and parole**;
- 12 (5) "Prerelease program", a program relating to an offender's preparation for, or
- 13 orientation to, supervision by the [~~board~~] **division of probation and parole** immediately prior
- 14 to or immediately after assignment of the offender to the [~~board~~] **division of probation and**
- 15 **parole** for supervision;
- 16 (6) "Pretrial program", a program relating to the investigation or supervision of persons
- 17 referred or assigned to the [~~board~~] **division of probation and parole** prior to their conviction;
- 18 (7) "Probation", a procedure under which a defendant found guilty of a crime upon
- 19 verdict or plea is released by the court without imprisonment, subject to conditions imposed by
- 20 the court and subject to the supervision of the [~~board~~] **division of probation and parole**;
- 21 (8) "Recognizance program", a program relating to the release of an individual from
- 22 detention who is under arrest for an offense for which he may be released as provided in section
- 23 544.455.

217.655. 1. The parole board shall be responsible for determining whether a person

2 confined in the department shall be paroled or released conditionally as provided by section

3 558.011. The board shall receive administrative support from the division of probation and

4 parole. The division of probation and parole shall provide supervision to all persons referred by

5 the circuit courts of the state as provided by sections 217.750 and 217.760. The board shall

6 exercise independence in making decisions about individual cases, but operate cooperatively

7 within the department and with other agencies, officials, courts, and stakeholders to achieve

8 systemic improvement including the requirements of this section.

- 9 2. The board shall adopt parole guidelines to:
- 10 (1) Preserve finite prison capacity for the most serious and violent offenders;
- 11 (2) Release supervision-manageable cases consistent with section 217.690;
- 12 (3) Use finite resources guided by validated risk and needs assessments;
- 13 (4) Support a seamless reentry process;
- 14 (5) Set appropriate conditions of supervision; and
- 15 (6) Develop effective strategies for responding to violation behaviors.

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

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

23 5. The **chair of the board shall employ, within the limits of the funds appropriated,**
24 **such employees as necessary to carry out responsibilities and** provide for appropriate training
25 to members and staff, including communication skills.

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

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

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

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

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

15 3. The division of probation and parole has discretionary authority to require the payment
16 of a fee, not to exceed sixty dollars per month, from every offender placed under division
17 supervision on probation, parole, or conditional release, to waive all or part of any fee, to
18 sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee
19 collections services. All fees collected shall be deposited in the inmate fund established in

20 section 217.430. Fees collected may be used to pay the costs of contracted collections services.
21 The fees collected may otherwise be used to provide community corrections and intervention
22 services for offenders. Such services include substance abuse assessment and treatment, mental
23 health assessment and treatment, electronic monitoring services, residential facilities services,
24 employment placement services, and other offender community corrections or intervention
25 services designated by the division of probation and parole to assist offenders to successfully
26 complete probation, parole, or conditional release. The ~~[board]~~ **division of probation and**
27 **parole** shall adopt rules not inconsistent with law, in accordance with section 217.040, with
28 respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using
29 fees.

30 4. The board shall adopt rules not inconsistent with law, in accordance with section
31 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
32 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
33 recite the conditions of such parole.

34 5. When considering parole for an offender with consecutive sentences, the minimum
35 term for eligibility for parole shall be calculated by adding the minimum terms for parole
36 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
37 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender
2 incarcerated in a correctional institution serving any sentence of life with no parole for fifty years

3 or life without parole, whose plea of guilt was entered or whose trial commenced prior to
4 December 31, 1990, and who:

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

6 (2) Has no prior violent felony convictions;

7 (3) No longer has a cognizable legal claim or legal recourse; and

8 (4) Has a history of being a victim of continual and substantial physical or sexual
9 domestic violence that was not presented as an affirmative defense at trial or sentencing and such
10 history can be corroborated with evidence of facts or circumstances which existed at the time of
11 the alleged physical or sexual domestic violence of the offender, including but not limited to
12 witness statements, hospital records, social services records, and law enforcement records;

13

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

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

21 3. Any offender released under the provisions of this section shall be under the
22 supervision of the parole board for an amount of time to be determined by the board.

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

25 (1) Length of time served;

26 (2) Prison record and self-rehabilitation efforts;

27 (3) Whether the history of the case included corroborative material of physical, sexual,
28 mental, or emotional abuse of the offender, including but not limited to witness statements,
29 hospital records, social service records, and law enforcement records;

30 (4) If an offer of a plea bargain was made and if so, why the offender rejected or
31 accepted the offer;

32 (5) Any victim information outlined in subsection 8 of section 217.690 and section
33 595.209;

34 (6) The offender's continued claim of innocence;

35 (7) The age and maturity of the offender at the time of the board's decision;

36 (8) The age and maturity of the offender at the time of the crime and any contributing
37 influence affecting the offender's judgment;

38 (9) The presence of a workable parole plan; and

39 (10) Community and family support.

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

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

45 7. It shall be the responsibility of the offender to petition the board for a hearing under
 46 this section.

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

50 9. In cases where witness statements alleging physical or sexual domestic violence are
 51 in conflict as to whether such violence occurred or was continual and substantial in nature, the
 52 history of such alleged violence shall be established by other corroborative evidence in addition
 53 to witness statements, as provided by subsection 1 of this section. A contradictory statement of
 54 the victim shall not be deemed a conflicting statement for purposes of this section.

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

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

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

5 (3) "Offender", a person in the custody of **or under the supervision of** the department
 6 ~~[or under the supervision of the board]~~.

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

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

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

23 5. The department, the board, and the chief law enforcement official shall cause the
24 information collected on the initial registration and any subsequent changes in residence or
25 registration to be recorded with the highway patrol criminal information system.

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

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

8 2. The department shall determine the content of the required firearms safety training and
9 provide firearms certification and recertification training for probation and parole officers,
10 supervisors and members of the ~~[board of probation and]~~ parole **board**. A minimum of sixteen
11 hours of firearms safety training shall be required. In no event shall firearms certification or
12 recertification training for probation and parole officers and supervisors exceed the training
13 required for officers of the state highway patrol.

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

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

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

21 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
22 promulgated under the authority of this chapter, shall become effective only if the agency has
23 fully complied with all of the requirements of chapter 536 including but not limited to, section
24 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to
25 August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing
26 in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule
27 adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply,

28 the provisions of this section are nonseverable and if any of the powers vested with the general
29 assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and
30 annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of
31 rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be
32 invalid and void, except that nothing in section 571.030 or this section shall affect the validity
33 of any rule adopted and promulgated prior to August 28, 1998.

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

4 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
5 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August
6 28, 2006; or

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

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section
12 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim,
13 or violating subdivision (2) of subsection 1 of section 568.045.

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

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

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

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

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

3 2. The form shall be submitted to each offender as of the date the form is developed and
4 to every offender who thereafter is sentenced to imprisonment under the jurisdiction of the

5 department. The form may be resubmitted to an offender by the department for purposes of
6 obtaining current information regarding assets of the offender.

7 3. Every offender shall complete the form or provide for completion of the form and the
8 offender shall swear or affirm under oath that to the best of his or her knowledge the information
9 provided is complete and accurate. Any person who shall knowingly provide false information
10 on said form to state officials or employees shall be guilty of the crime of making a false
11 affidavit as provided by section 575.050.

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

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

549.500. All documents prepared or obtained in the discharge of official duties by any
2 member or employee of the [~~board of probation and~~] parole **board or by any employee of the**
3 **division of probation and parole** shall be privileged and shall not be disclosed directly or
4 indirectly to anyone other than members of the board and other authorized employees of the
5 department pursuant to section 217.075. The board may at its discretion permit the inspection
6 of the report or parts thereof by the offender or his attorney or other persons having a proper
7 interest therein.

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

9 2. A person who provides assessment services or who makes a report, finding, or
10 recommendation for any offender to attend any counseling or program of treatment, education
11 or rehabilitation as a condition or requirement of probation following a finding of guilt for an
12 offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, shall
13 not be related within the third degree of consanguinity or affinity to any person who has a
14 financial interest, whether direct or indirect, in the counseling or program of treatment, education
15 or rehabilitation or any financial interest, whether direct or indirect, in any private entity which
16 provides the counseling or program of treatment, education or rehabilitation. A person who
17 violates this subsection shall thereafter:

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

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

23 (3) Be prohibited from having any financial interest, whether direct or indirect, in any
24 private entity which provides assessment or counseling services or any program of treatment,
25 education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state
26 **[board] division** of probation and parole or any office thereof.

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

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

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

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

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

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

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

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

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

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

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

19 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall
20 commit the person to the custody of the department of corrections for the term imposed under
21 section 557.036, or until released under procedures established elsewhere by law.

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

25 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for
26 felonies other than dangerous felonies as defined in section 556.061, and other than sentences
27 of imprisonment which involve the individual's fourth or subsequent remand to the department
28 of corrections shall consist of a prison term and a conditional release term. The conditional
29 release term of any term imposed under section 557.036 shall be:

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

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

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

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

42 5. The date of conditional release from the prison term may be extended up to a
43 maximum of the entire sentence of imprisonment by the [~~board of probation and~~] parole **board**.
44 The director of any division of the department of corrections except the [~~board~~] **division** of
45 probation and parole may file with the [~~board of probation and~~] parole **board** a petition to extend
46 the conditional release date when an offender fails to follow the rules and regulations of the
47 division or commits an act in violation of such rules. Within ten working days of receipt of the
48 petition to extend the conditional release date, the [~~board of probation and~~] parole **board** shall
49 convene a hearing on the petition. The offender shall be present and may call witnesses in his

50 or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be
51 conducted as provided in section 217.670. If the violation occurs in close proximity to the
52 conditional release date, the conditional release may be held for a maximum of fifteen working
53 days to permit necessary time for the division director to file a petition for an extension with the
54 board and for the board to conduct a hearing, provided some affirmative manifestation of an
55 intent to extend the conditional release has occurred prior to the conditional release date. If at
56 the end of a fifteen-working-day period a board decision has not been reached, the offender shall
57 be released conditionally. The decision of the board shall be final.

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

5 (1) Rape in the first degree, forcible rape, or rape;
6 (2) Statutory rape in the first degree;
7 (3) Sodomy in the first degree, forcible sodomy, or sodomy;
8 (4) Statutory sodomy in the first degree; or
9 (5) An attempt to commit any of the felonies listed in this subsection. In such case, the
10 sentence of imprisonment imposed for any felony listed in this subsection or an attempt to
11 commit any of the aforesaid shall run consecutively to the other sentences. The sentences
12 imposed for any other offense may run concurrently.

13 2. If a person who is on probation, parole or conditional release is sentenced to a term
14 of imprisonment for an offense committed after the granting of probation or parole or after the
15 start of his conditional release term, the court shall direct the manner in which the sentence or
16 sentences imposed by the court shall run with respect to any resulting probation, parole or
17 conditional release revocation term or terms. If the subsequent sentence to imprisonment is in
18 another jurisdiction, the court shall specify how any resulting probation, parole or conditional
19 release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

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

558.031. 1. A sentence of imprisonment shall commence when a person convicted of
2 an offense in this state is received into the custody of the department of corrections or other place
3 of confinement where the offender is sentenced. Such person shall receive credit toward the

4 service of a sentence of imprisonment for all time in prison, jail or custody after the offense
5 occurred and before the commencement of the sentence, when the time in custody was related
6 to that offense, except:

7 (1) Such credit shall only be applied once when sentences are consecutive;

8 (2) Such credit shall only be applied if the person convicted was in custody in the state
9 of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

10 (3) As provided in section 559.100.

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

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

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

25 5. If a person released from imprisonment on parole or serving a conditional release term
26 violates any of the conditions of his or her parole or release, he or she may be treated as a parole
27 violator. If the [~~board of probation and~~] parole **board** revokes the parole or conditional release,
28 the paroled person shall serve the remainder of the prison term and conditional release term, as
29 an additional prison term, and the conditionally released person shall serve the remainder of the
30 conditional release term as a prison term, unless released on parole.

558.046. The sentencing court may, upon petition, reduce any term of sentence or
2 probation pronounced by the court or a term of conditional release or parole pronounced by the
3 state [~~board of probation and~~] parole **board** if the court determines that:

4 (1) The convicted person was:

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

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

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

9 (3) The convicted person is not:

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

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

13 (c) A prior offender, a persistent offender or a class X offender as defined in section
14 558.019.

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

11 (1) In misdemeanor cases, the period of detention under this section shall not exceed the
12 shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by
13 chapter 558.

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

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

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

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

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

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

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

3 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
4 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August
5 28, 2006; or

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

9
10 the court shall order that the offender be supervised by the [~~board~~] **division** of probation and
11 parole for the duration of his or her natural life.

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

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

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

 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 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] **division** of probation and parole shall advise the
22 sentencing court of an offender's probationary release date thirty days prior to release. The court
23 shall follow the recommendation of the department unless the court determines that probation
24 is not appropriate. If the court determines that probation is not appropriate, the court may order
25 the execution of the offender's sentence only after conducting a hearing on the matter within
26 ninety to one hundred twenty days from the date the offender was delivered to the department
27 of 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.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the court
3 complete and full records of all presentence investigations requested, probations or paroles
4 granted, revoked or terminated and all discharges from probations or paroles. All court orders
5 relating to any presentence investigation requested and probation or parole granted under the
6 provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and,
7 if the defendant subject to any such order is subject to an investigation or is under the supervision
8 of the ~~[state board]~~ **division** of probation and parole, a copy of the order shall be sent to the
9 ~~[board]~~ **division of probation and parole**. In any county where a parole board ceases to exist,
10 the clerk of the court shall preserve the records of that board.

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

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

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

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

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

 559.602. A private entity seeking to provide probation supervision and rehabilitation
2 services to misdemeanor offenders shall make timely written application to the judges in a
3 circuit. When approved by the judges of a circuit, the application, the judicial order of approval
4 and the contract shall be forwarded to the ~~[board]~~ **division** of probation and parole. The contract
5 shall contain the responsibilities of the private entity, including the offenses for which persons

6 will be supervised. The ~~[board]~~ **division** may then withdraw supervision of misdemeanor
7 offenders which are to be supervised by the court-approved private entity in that circuit.

559.607. 1. Judges of the municipal division in any circuit, acting through a chief or
2 presiding judge, either may contract with a private or public entity or may employ any qualified
3 person to serve as the city's probation officer to provide probation and rehabilitation services for
4 persons placed on probation for violation of any ordinance of the city, specifically including the
5 offense of operating or being in physical control of a motor vehicle while under the influence of
6 intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any
7 part of the cost of probation and rehabilitation services authorized under sections 559.600 to
8 559.615. Persons found guilty or pleading guilty to ordinance violations and placed on probation
9 by municipal or city court judges shall contribute a service fee to the court in the amount set forth
10 in section 559.604 to pay the cost of their probation supervision provided by a probation officer
11 employed by the court or by a contract probation officer as provided for in section 559.604.

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

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

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

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

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

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

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

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

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

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

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

6 (2) Sets a spring gun; or

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

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

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

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

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

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

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

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

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

36 shall not apply to or affect any of the following persons, when such uses are reasonably
37 associated with or are necessary to the fulfillment of such person's official duties, except as
38 otherwise provided in this subsection:

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

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

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

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

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

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

59 (7) Any state probation or parole officer, including supervisors and members of the
60 ~~board of probation and~~ parole **board**;

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

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

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

68 (11) Any member of a fire department or fire protection district who is employed on a
69 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
70 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such

71 uses are reasonably associated with or are necessary to the fulfillment of such person's official
72 duties; and

73 (12) Upon the written approval of the governing body of a fire department or fire
74 protection district, any paid fire department or fire protection district member who is employed
75 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
76 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
77 necessary to the fulfillment of such person's official duties.

78 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
79 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
80 ammunition is not readily accessible or when such weapons are not readily accessible.
81 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age
82 or older or eighteen years of age or older and a member of the United States Armed Forces, or
83 honorably discharged from the United States Armed Forces, transporting a concealable firearm
84 in the passenger compartment of a motor vehicle, so long as such concealable firearm is
85 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or
86 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon
87 premises over which the actor has possession, authority or control, or is traveling in a continuous
88 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
89 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
90 for the purposes of transporting a student to or from school, or possessed by an adult for the
91 purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

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

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

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

112 8. A person who commits the crime of unlawful use of weapons under:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

575.205. 1. A person commits the offense of tampering with electronic monitoring
 2 equipment if he or she intentionally removes, alters, tampers with, damages, or destroys

3 electronic monitoring equipment which a court [~~or the board~~] , **the division** of probation and
4 parole, **or the parole board** has required such person to wear.

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

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

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

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

589.042. The court or the [~~board of probation and~~] parole **board** shall have the authority
2 to require a person who is required to register as a sexual offender under sections 589.400 to
3 589.425 to give his or her assigned probation or parole officer access to his or her personal home
4 computer as a condition of probation or parole in order to monitor and prevent such offender
5 from obtaining and keeping child pornography or from committing an offense under chapter 566.
6 Such access shall allow the probation or parole officer to view the internet use history, computer
7 hardware, and computer software of any computer, including a laptop computer, that the offender
8 owns.

595.209. 1. The following rights shall automatically be afforded to victims of dangerous
2 felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section
3 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any
4 offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as
5 defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to
6 565.076; and, upon written request, the following rights shall be afforded to victims of all other
7 crimes and witnesses of crimes:

8 (1) For victims, the right to be present at all criminal justice proceedings at which the
9 defendant has such right, including juvenile proceedings where the offense would have been a
10 felony if committed by an adult, even if the victim is called to testify or may be called to testify
11 as a witness in the case;

12 (2) For victims, the right to information about the crime, as provided for in subdivision
13 (5) of this subsection;

14 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's
15 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final
16 disposition of the case. Final disposition information shall be provided within five days;

17 (4) For victims, the right to confer with and to be informed by the prosecutor regarding
18 bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and

19 probation revocation hearings and the right to be heard at such hearings, including juvenile
20 proceedings, unless in the determination of the court the interests of justice require otherwise;

21 (5) The right to be informed by local law enforcement agencies, the appropriate juvenile
22 authorities or the custodial authority of the following:

23 (a) The status of any case concerning a crime against the victim, including juvenile
24 offenses;

25 (b) The right to be informed by local law enforcement agencies or the appropriate
26 juvenile authorities of the availability of victim compensation assistance, assistance in obtaining
27 documentation of the victim's losses, including, but not limited to and subject to existing law
28 concerning protected information or closed records, access to copies of complete, unaltered,
29 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon
30 request to the appropriate law enforcement agency by the victim or the victim's representative,
31 and emergency crisis intervention services available in the community;

32 (c) Any release of such person on bond or for any other reason;

33 (d) Within twenty-four hours, any escape by such person from a municipal detention
34 facility, county jail, a correctional facility operated by the department of corrections, mental
35 health facility, or the division of youth services or any agency thereof, and any subsequent
36 recapture of such person;

37 (6) For victims, the right to be informed by appropriate juvenile authorities of probation
38 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings
39 or to offer a written statement, video or audio tape, counsel or a representative designated by the
40 victim in lieu of a personal appearance, the right to be informed by the [~~board of probation and~~
41 parole **board** of probation revocation hearings initiated by the board and of parole hearings, the
42 right to be present at each and every phase of parole hearings, the right to be heard at probation
43 revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a
44 representative designated by the victim in lieu of a personal appearance, and the right to have,
45 upon written request of the victim, a partition set up in the probation or parole hearing room in
46 such a way that the victim is shielded from the view of the probationer or parolee, and the right
47 to be informed by the custodial mental health facility or agency thereof of any hearings for the
48 release of a person committed pursuant to the provisions of chapter 552, the right to be present
49 at such hearings, the right to be heard at such hearings or to offer a written statement, video or
50 audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

51 (7) For victims and witnesses, upon their written request, the right to be informed by the
52 appropriate custodial authority, including any municipal detention facility, juvenile detention
53 facility, county jail, correctional facility operated by the department of corrections, mental health
54 facility, division of youth services or agency thereof if the offense would have been a felony if

55 committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552
56 of the following:

57 (a) The projected date of such person's release from confinement;

58 (b) Any release of such person on bond;

59 (c) Any release of such person on furlough, work release, trial release, electronic
60 monitoring program, or to a community correctional facility or program or release for any other
61 reason, in advance of such release;

62 (d) Any scheduled parole or release hearings, including hearings under section 217.362,
63 regarding such person and any changes in the scheduling of such hearings. No such hearing shall
64 be conducted without thirty days' advance notice;

65 (e) Within twenty-four hours, any escape by such person from a municipal detention
66 facility, county jail, a correctional facility operated by the department of corrections, mental
67 health facility, or the division of youth services or any agency thereof, and any subsequent
68 recapture of such person;

69 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court
70 presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding
71 over releases under section 217.362, to release such person or any decision by the governor to
72 commute the sentence of such person or pardon such person;

73 (g) Notification within thirty days of the death of such person;

74 (8) For witnesses who have been summoned by the prosecuting attorney and for victims,
75 to be notified by the prosecuting attorney in a timely manner when a court proceeding will not
76 go on as scheduled;

77 (9) For victims and witnesses, the right to reasonable protection from the defendant or
78 any person acting on behalf of the defendant from harm and threats of harm arising out of their
79 cooperation with law enforcement and prosecution efforts;

80 (10) For victims and witnesses, on charged cases or submitted cases where no charge
81 decision has yet been made, to be informed by the prosecuting attorney of the status of the case
82 and of the availability of victim compensation assistance and of financial assistance and
83 emergency and crisis intervention services available within the community and information
84 relative to applying for such assistance or services, and of any final decision by the prosecuting
85 attorney not to file charges;

86 (11) For victims, to be informed by the prosecuting attorney of the right to restitution
87 which shall be enforceable in the same manner as any other cause of action as otherwise
88 provided by law;

89 (12) For victims and witnesses, to be informed by the court and the prosecuting attorney
90 of procedures to be followed in order to apply for and receive any witness fee to which they are
91 entitled;

92 (13) When a victim's property is no longer needed for evidentiary reasons or needs to be
93 retained pending an appeal, the prosecuting attorney or any law enforcement agency having
94 possession of the property shall, upon request of the victim, return such property to the victim
95 within five working days unless the property is contraband or subject to forfeiture proceedings,
96 or provide written explanation of the reason why such property shall not be returned;

97 (14) An employer may not discharge or discipline any witness, victim or member of a
98 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending
99 a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require
100 any witness, victim, or member of a victim's immediate family to use vacation time, personal
101 time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a
102 criminal proceeding, or participating in the preparation of a criminal proceeding;

103 (15) For victims, to be provided with creditor intercession services by the prosecuting
104 attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

105 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
106 victims, the right to speedy appellate review of their cases, provided that nothing in this
107 subdivision shall prevent the defendant from having sufficient time to prepare such defendant's
108 defense. The attorney general shall provide victims, upon their written request, case status
109 information throughout the appellate process of their cases. The provisions of this subdivision
110 shall apply only to proceedings involving the particular case to which the person is a victim or
111 witness;

112 (17) For victims and witnesses, to be provided by the court, a secure waiting area during
113 court proceedings and to receive notification of the date, time and location of any hearing
114 conducted by the court for reconsideration of any sentence imposed, modification of such
115 sentence or recall and release of any defendant from incarceration;

116 (18) For victims, the right to receive upon request from the department of corrections
117 a photograph taken of the defendant prior to release from incarceration.

118 2. The provisions of subsection 1 of this section shall not be construed to imply any
119 victim who is incarcerated by the department of corrections or any local law enforcement agency
120 has a right to be released to attend any hearing or that the department of corrections or the local
121 law enforcement agency has any duty to transport such incarcerated victim to any hearing.

122 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1
123 of this section shall provide the appropriate person or agency with their current addresses and

124 telephone numbers or the addresses or telephone numbers at which they wish notification to be
 125 given.

126 4. Notification by the appropriate person or agency utilizing the statewide automated
 127 crime victim notification system as established in section 650.310 shall constitute compliance
 128 with the victim notification requirement of this section. If notification utilizing the statewide
 129 automated crime victim notification system cannot be used, then written notification shall be sent
 130 by certified mail to the most current address provided by the victim.

131 5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution
 132 or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced
 133 regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor
 134 of the defendant to exclude victims or prevent their full participation in each and every phase of
 135 parole hearings or probation revocation hearings. The rights of the victims granted in this section
 136 are absolute and the policy of this state is that the victim's rights are paramount to the defendant's
 137 rights. The victim has an absolute right to be present at any hearing in which the defendant is
 138 present before a probation and parole hearing officer.

650.055. 1. Every individual who:

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

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

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

8 (4) Is an individual required to register as a sexual offender under sections 589.400 to
 9 589.425;

10

11 shall have a fingerprint and blood or scientifically accepted biological sample collected for
 12 purposes of DNA profiling analysis.

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

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

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

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

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

27 (5) If such individual is under the jurisdiction of the department of corrections. Such
28 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
29 217.650, and on parole, as also defined in section 217.650; or

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

31 3. The Missouri state highway patrol and department of corrections shall be responsible
32 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
33 this section shall be required to provide such sample, without the right of refusal, at a collection
34 site designated by the Missouri state highway patrol and the department of corrections.
35 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
36 civil or criminal action when the act is performed in a reasonable manner. Such force may be
37 used as necessary to the effectual carrying out and application of such processes and operations.
38 The enforcement of these provisions by the authorities in charge of state correctional institutions
39 and others having custody or jurisdiction over individuals included in subsection 1 of this section
40 which shall not be set aside or reversed is hereby made mandatory. The ~~[board]~~ **division** of
41 probation or parole shall recommend that an individual on probation or parole who refuses to
42 provide a DNA sample have his or her probation or parole revoked. In the event that a person's
43 DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

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

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

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

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

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

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

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

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

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

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

72 9. (1) An individual may request expungement of his or her DNA sample and DNA
73 profile through the court issuing the reversal or dismissal, or through the court granting an
74 expungement of all official records under section 568.040. A certified copy of the court order
75 establishing that such conviction has been reversed, guilty plea has been set aside, or
76 expungement has been granted under section 568.040 shall be sent to the Missouri state highway
77 patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the
78 requesting individual has no other qualifying offense as a result of any separate plea or
79 conviction and no other qualifying arrest prior to expungement.

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

85 (3) Upon receipt of a written request for expungement, a certified copy of the final court
86 order reversing the conviction, setting aside the plea, or granting an expungement of all official
87 records under section 568.040, and any other information necessary to ascertain the validity of
88 the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records
89 and identifiable information in the state DNA database pertaining to the person and destroy the
90 DNA sample of the person, unless the Missouri state highway patrol determines that the person
91 is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court
92 order, the Missouri state highway patrol shall notify the individual that it has expunged his or her

93 DNA sample and DNA profile, or the basis for its determination that the person is otherwise
94 obligated to submit a DNA sample.

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

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

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

112 11. When a DNA sample is taken of an arrestee for any offense listed under subsection
113 1 of this section and charges are filed:

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

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

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

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

123

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

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

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

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

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

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

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full.

37 However, no individual awarded restitution under this subsection shall receive more than
38 thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution
39 shall be awarded to the individual. No individual who has been determined by the court to be
40 actually innocent shall be responsible for the costs of care under section 217.831.

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

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

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

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

54 4. An individual who is determined to be actually innocent of a crime under this chapter
55 shall automatically be granted an order of expungement from the court in which he or she pled
56 guilty or was sentenced to expunge from all official records all recordations of his or her arrest,
57 plea, trial or conviction. Upon granting of the order of expungement, the records and files
58 maintained in any administrative or court proceeding in an associate or circuit division of the
59 court shall be confidential and only available to the parties or by order of the court for good cause
60 shown. The effect of such order shall be to restore such person to the status he or she occupied
61 prior to such arrest, plea or conviction and as if such event had never taken place. No person as
62 to whom such order has been entered shall be held thereafter under any provision of any law to
63 be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite
64 or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry
65 made of him or her for any purpose whatsoever and no such inquiry shall be made for
66 information relating to an expungement under this section.

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