

SECOND REGULAR SESSION

SENATE BILL NO. 1018

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIZZO.

Read 1st time February 19, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5408S.011

AN ACT

To repeal sections 217.810 and 548.241, RSMo, and to enact in lieu thereof three new sections relating to the supervision of adult offenders on probation or parole from other states.

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

Section A. Sections 217.810 and 548.241, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 548.241, 589.565,
3 and 589.684, to read as follows:

548.241. 1. All necessary and proper expenses accruing under section
2 548.221, upon being ascertained to the satisfaction of the governor, shall be
3 allowed on his certificate and paid out of the state treasury as other demands
4 against the state.

5 2. All necessary and proper expenses accruing as a result of a person
6 being returned to this state pursuant to the provisions of section 548.243 [or
7 217.810] shall be allowed and paid out of the state treasury as if the person were
8 being returned to this state pursuant to section 548.221.

9 **3. Any necessary and proper expenses accruing as a result of a**
10 **person being returned to this state under the provisions of the**
11 **Interstate Compact for Adult Offender Supervision pursuant to sections**
12 **589.500 to 589.569 may be paid out of the Missouri interstate compact**
13 **fund established in section 589.565 or out of the state treasury.**

589.565. A Missouri probationer or parolee seeking transfer of
2 **his or her supervision pursuant to sections 589.500 to 589.569 shall pay**
3 **a fee for each transfer application submitted in the amount of one**
4 **hundred seventy-five dollars. The transfer application fee shall be paid**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 to the compact commissioner upon submission of the transfer
6 application. The commissioner or commissioner's designee may waive
7 the application fee if either the commissioner or the commissioner's
8 designee finds that payment of the fee will constitute an undue
9 economic burden on the offender. All fees collected pursuant to this
10 section shall be paid and deposited to the credit of the "Missouri
11 Interstate Compact Fund", which is hereby established in the state
12 treasury. The state treasurer shall be custodian of the fund. In
13 accordance with sections 30.170 and 30.180, the state treasurer may
14 approve disbursements. The fund shall be a dedicated fund and, upon
15 appropriation, moneys in the fund shall be used for the sole benefit of
16 the department of corrections in support of administration of this
17 section, expenses related to retaking, assessment, staff development
18 and training, and implementation of evidence based practices in
19 support of offenders under supervision. Notwithstanding the
20 provisions of section 33.080 to the contrary, any moneys remaining in
21 the fund at the end of the biennium shall not revert to the credit of the
22 general revenue fund. The state treasurer shall invest moneys in the
23 fund in the same manner as other funds are invested. Any interest and
24 moneys earned on such investments shall be credited to the fund.

589.684. 1. Upon a petition from the state, a circuit court is
2 authorized to extend, revoke, or add any condition to a term of
3 probation for an offender supervised in this state for a term of
4 probation ordered by another state. The circuit court for the
5 jurisdiction in which a probationer is under supervision shall serve as
6 the authorizing court for the purposes of this section. The prosecuting
7 attorney or circuit attorney for the jurisdiction in which a probationer
8 is under supervision shall serve as the authorized person to petition
9 the court to add a condition of probation. Notwithstanding any
10 provision of section 559.125 or 549.500, the division of probation and
11 parole may submit violation reports to the prosecuting attorney or
12 circuit attorney with authority to petition the court to add a condition
13 to a term of probation under this section.

14 2. Where supervision of a parolee in Missouri is administered
15 pursuant to this section, the division of probation and parole shall have
16 the authority to impose a sanction or additional conditions in response
17 to written violations of supervision. However, the division of probation

18 **and parole may not reduce, extend, or revoke such a term of parole.**

1 [217.810. 1. The governor is hereby authorized and
2 directed to enter into the interstate compact for the supervision of
3 parolees and probationers on behalf of the state of Missouri with
4 the commonwealth of Puerto Rico, the Virgin Islands, the District
5 of Columbia and any and all other states of the United States
6 legally joining therein and pursuant to the provisions of an act of
7 the Congress of the United States of America granting the consent
8 of Congress to the commonwealth of Puerto Rico, the Virgin
9 Islands, the District of Columbia and any two or more states to
10 enter into agreements or compacts for cooperative effort and
11 mutual assistance in the prevention of crime and for other
12 purposes, which compact shall have as its objective the permitting
13 of persons placed on probation or released on parole to reside in
14 any other state signatory to the compact assuming the duties of
15 visitation and supervision over such probationers and parolees;
16 permitting the extradition and transportation without interference
17 of prisoners, being retaken, through any and all states signatory to
18 the compact under such terms, conditions, rules and regulations,
19 and for such duration as in the opinion of the governor of this state
20 shall be necessary and proper and in a form substantially as
21 contained in subsection 2 of this section. The chairman of the
22 board shall administer the compact for the state.

23 2. INTERSTATE COMPACT FOR THE
24 SUPERVISION OF PAROLEES AND PROBATIONERS

25 This compact shall be entered into by and among the
26 contracting states, signatories hereto, with the consent of the
27 Congress of the United States of America, granted by an act
28 entitled "An act granting the consent of Congress to any two or
29 more states to enter into agreements or compacts for cooperative
30 effort and mutual assistance in the prevention of crime and for
31 other purposes."

32 The contracting states solemnly agree:

33 (1) That it shall be competent for the duly constituted
34 judicial and administrative authorities of a state party to this
35 compact (herein called "sending state") to permit any person

36 convicted of an offense within such state and placed on probation
37 or released on parole to reside in any other state party to this
38 compact (herein called "receiving state"), while on probation or
39 parole, if

40 (a) Such a person is in fact a resident of or has his family
41 residing within the receiving state and can obtain employment
42 there;

43 (b) Though not a resident of the receiving state and not
44 having his family residing there, the receiving state consents to
45 such person being sent there.

46 Before granting such permission, opportunity shall be
47 granted to the receiving state to investigate the home and
48 prospective employment of such person.

49 A resident of the receiving state, within the meaning of this
50 section, is one who has been an actual inhabitant of such state
51 continuously for more than one year prior to his coming to the
52 sending state and has not resided within the sending state more
53 than six continuous months immediately preceding the commission
54 of the offense for which he has been convicted.

55 (2) The receiving state shall assume the duties of visitation
56 and supervision over probationers or parolees of any sending state
57 transferred under the compact and will apply the same standards
58 of supervision that prevail for its own probationers and parolees.

59 (3) That duly accredited officers of a sending state may at
60 all times enter a receiving state and there apprehend and retake
61 any person on probation or parole. For that purpose no formalities
62 will be required other than establishing the authority of the officer
63 and the identity of the person to be retaken. All legal
64 requirements to obtain extradition of fugitives from justice are
65 hereby expressly waived on the part of states party hereto, as to
66 such persons. The decision of the sending state to retake a person
67 on probation or parole shall be conclusive upon and not reviewable
68 within the receiving state. Provided, however, that if at the time
69 when a state seeks to retake a probationer or parolee there should
70 be pending against him within the receiving state any criminal
71 charge, or he should be suspected of having committed within such

72 state a criminal offense, he shall not be retaken without the
73 consent of the receiving state until discharged from prosecution or
74 from imprisonment for such offense.

75 (4) That the duly accredited officers of the sending state
76 will be permitted to transport prisoners being retaken through any
77 and all states parties to this compact, without interference.

78 (5) Each state may designate an officer who, acting jointly
79 with like officers of other contracting states shall promulgate such
80 rules and regulations as may be deemed necessary to more
81 effectively carry out the terms of this compact.

82 (6) That this compact shall become operative immediately
83 upon its execution by any state as between it and any other state
84 or states so executing. When executed it shall have the full force
85 and effect of law within such state, the form of execution to be in
86 accordance with the laws of the executing state.

87 (7) That this compact shall continue in force and remain
88 binding upon each executing state until renounced by it. The
89 duties and obligations hereunder of a renouncing state shall
90 continue as to parolees or probationers residing therein at the time
91 of withdrawal until retaken or finally discharged by the sending
92 state. Renunciation of this compact shall be by the same authority
93 which executed it, by sending six months' notice in writing of its
94 intention to withdraw from the compact to the other states party
95 hereto.

96 3. If any section, sentence, subdivision or clause within
97 subsection 2 of this section is for any reason held invalid or to be
98 unconstitutional, such decision shall not affect the validity of the
99 remaining provisions of that subsection or this section.

100 4. All necessary and proper expenses accruing as a result
101 of a person being returned to this state by order of a court or the
102 parole board shall be paid by the state as provided in section
103 548.241 or 548.243.]

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