

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 402

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOUCHER.

Read 1st time January 17, 2001, and 1000 copies ordered printed.

Read 2nd time January 18, 2001, and referred to the Committee on Correctional and State Institutions, February 8, 2001.

Reported from the Committee on Correctional and State Institutions, March 15, 2001, with recommendation that the bill Do Pass by Consent.

Perfected by Consent March 29, 2001.

TED WEDEL, Chief Clerk

1202L.01P

AN ACT

To repeal sections 549.500 and 559.125, RSMo 2000, relating to the release of probation documents, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 549.500 and 559.125, RSMo 2000, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 549.500 and 559.125, to read as follows:

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 shall be privileged and shall not be
3 disclosed directly or indirectly to anyone other than members of the board and other authorized
4 employees of the department pursuant to section 217.075, RSMo; **except that, copies of the**
5 **presentence investigation reports and sex offender assessment records shall be mailed or**
6 **sent by facsimile to treatment providers and therapists assigned to the offender upon**
7 **request.** The board may at its discretion permit the inspection of the report or parts thereof by
8 the offender or [his] **the offender's** attorney or other persons having a proper interest therein.

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

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

5 relating to any presentence investigation requested and probation or parole granted [under]
6 **pursuant to** the provisions of this chapter and sections 558.011 and 558.026, RSMo, shall be
7 kept in a like manner, and, if the defendant subject to any such order is subject to an investigation
8 or is under the supervision of the state board of probation and parole, a copy of the order shall
9 be sent to the board. In any county where a parole board ceases to exist, the clerk of the court
10 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 or the board may in its discretion permit the inspection of the
15 report, or parts of such report, by the defendant, or offender or [his] **the offender's** attorney, or
16 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.

22 **4. The provisions of subsection 2 of this section notwithstanding, copies of the**
23 **presentence investigation report and the sex offender assessment records shall be mailed**
24 **or sent by facsimile to the treatment providers and therapists assigned to an offender.**