

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 486

93RD GENERAL ASSEMBLY

1426L.01T

2005

AN ACT

To repeal section 566.140, RSMo, and to enact in lieu thereof one new section relating to service providers for sexual offender treatment for probationers.

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

Section A. Section 566.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.140, to read as follows:

566.140. 1. Any person who has pleaded guilty to or been found guilty of violating the provisions of this chapter, and is granted a suspended imposition or execution of sentence or placed under the supervision of the board of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of such program.

2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation, following the probationer's plea of guilty to or a finding of guilt of violating any provision of this chapter or chapter 565, RSMo, may be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. Any person who violates this subsection shall thereafter:

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

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.

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

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

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