

SECOND REGULAR SESSION

HOUSE BILL NO. 1746

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LIPKE.

4590L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 217.750, 559.600, 559.602, and 559.604, RSMo, and to enact in lieu thereof four new sections relating to private probation services.

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

Section A. Sections 217.750, 559.600, 559.602, and 559.604, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 217.750, 559.600, 559.602,
3 and 559.604, to read as follows:

217.750. 1. At the request of a judge of any circuit court, the board shall provide
2 probation services for such court as provided in subsection 2 of this section.

3 2. The board shall provide probation services for any person convicted of any class of
4 felony, **except when the offense is a class C or class D felony, in which case the board shall**
5 **provide probation services unless the circuit and associate circuit judges in a circuit**
6 **contract with private entities or other court-approved entities to provide such services**
7 **under section 559.600 and the sentencing judge orders the use of such private services.** The
8 board shall not provide probation services for any class of misdemeanor except those class A
9 misdemeanors the basis of which is contained in chapters 565 and 566, RSMo, or in section
10 568.050, RSMo, 455.085, RSMo, 589.425, RSMo, or section 455.538, RSMo.

559.600. In cases where the board of probation and parole is not required under section
2 217.750, RSMo, to provide probation supervision and rehabilitation services for misdemeanor
3 offenders, **or offenders who have pleaded guilty to or been found guilty of a class C or class**
4 **D felony when private probation services are ordered by the sentencing court,** the circuit
5 and associate circuit judges in a circuit may contract with one or more private entities or other
6 court-approved entity to provide such services. The court-approved entity, including private or

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.

7 other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to
8 the terms of the contract, supervise persons placed on probation by the judges for class A, B, and
9 C misdemeanor offenses, specifically including persons placed on probation for violations of
10 section 577.023, RSMo. **Such entity shall also act as a probation office in that circuit and**
11 **shall, at the sentencing judge's discretion and pursuant to the terms of the contract,**
12 **supervise persons placed on probation by the judge for a class C or class D felony.** Nothing
13 in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole,
14 or the court, from supervising [misdemeanor] **such** offenders in a circuit where the judges have
15 entered into a contract with a probation entity.

559.602. A private entity seeking to provide probation supervision and rehabilitation
2 services to [misdemeanor] offenders **under sections 559.600 to 559.615** shall make timely
3 written application to the judges in a circuit. When approved by the judges of a circuit, the
4 application, the judicial order of approval and the contract shall be forwarded to the board of
5 probation and parole. The contract shall contain the responsibilities of the private entity,
6 including the offenses for which persons will be supervised. The board may then withdraw
7 supervision of [misdemeanor] offenders [which] **who** are to be supervised by the court-approved
8 private entity in that circuit.

559.604. Neither the state of Missouri nor any county of the state shall be required to pay
2 any part of the cost of probation and rehabilitation services provided to [misdemeanor] offenders
3 under sections 559.600 to 559.615. The person placed on probation shall contribute not less than
4 thirty dollars or more than [fifty] **sixty-five** dollars per month to the private entity providing him
5 with supervision and rehabilitation services. The amount of the contribution shall be determined
6 by the sentencing court. The court may exempt a person from all or part of the foregoing
7 contribution if it finds any of the following factors to exist:

- 8 (1) The offender has diligently attempted, but has been unable, to obtain employment
9 which provides him **or her** sufficient income to make such payments;
- 10 (2) The offender is a student in a school, college, university or course of vocational or
11 technical training designed to fit the student for gainful employment. Certification of such
12 student status shall be supplied to the court by the educational institution in which the offender
13 is enrolled;
- 14 (3) The offender has an employment handicap, as determined by a physical,
15 psychological or psychiatric examination acceptable to or ordered by the court;
- 16 (4) The offender's age prevents him **or her** from obtaining employment;
- 17 (5) The offender is responsible for the support of dependents, and the payment of such
18 contribution constitutes an undue hardship on the offender;

19 (6) There are other extenuating circumstances as determined by the court to exempt or
20 partially reduce such payments; or

21 (7) The offender has been transferred outside the state under an interstate compact
22 adopted pursuant to law.

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