

SB 99 -- ELECTRONIC MONITORING

SPONSOR: Emery (Brattin)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 9 to 0.

This bill provides that a court may place a person on electronic monitoring with victim notification, as defined in the bill, if the person is charged with, or has been found guilty of, violating an order of protection.

The court only may place a person on electronic monitoring with victim notification if the protected person has provided his or her informed consent. The phrase "informed consent" is defined under the bill.

The person being monitored must pay the costs associated with the monitoring unless he or she is determined by the court to be indigent. If determined to be indigent, the court clerk must notify the Department of Corrections and send a bill for the monitoring costs to the department. The department must establish a procedure to determine the portion of costs the indigent person is able to pay and must seek reimbursement of such costs. This bill gives the Department of Corrections rulemaking authority for this provision.

Under this bill, an alert is probable cause to arrest the monitored person for a violation of a protective order.

This bill requires the Department of Corrections, Department of Public Safety, Missouri State Highway Patrol, circuit courts, and local law enforcement agencies to share information obtained via the electronic monitoring.

This bill provides immunity from liability to suppliers of the electronic monitoring system for certain injuries associated with the use of the system.

The provisions of this bill expire August 28, 2023.

PROPONENTS: Supporters say that this bill provides a sunset for the provisions because the program will be tested for six years. Additionally, this does not provide for electronic monitoring to follow the monitored person around. Instead, the monitoring sets up a perimeter around the protected areas and only alerts when the monitored person enters the protected area. An important element to this program is that it is only done with the protected person's informed consent.

Testifying for the bill were Senator Emery and the Missouri Coalition Against Domestic And Sexual Violence.

OPPONENTS: There was no opposition voiced to the committee.