

HCS HB 80 -- PRIVATE PROBATION SERVICES

SPONSOR: Hill

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 7 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 0.

This bill reduces the maximum term for probation for a misdemeanor or municipal ordinance violation to 18 months.

The bill prohibits a person sentenced to serve probation with a private entity providing probation services from being required to submit to drug or alcohol testing unless the person is on probation as a result of a drug or alcohol related offense or unless ordered by a judge for good cause shown.

PROPOSERS: Supporters say that this expands on legislation passed last year and this provides much needed reform to the private probation sector. This limits arbitrary drug and alcohol testing. Many felons are treated better than misdemeanor offenders because felons have the opportunity to get earned compliance credit. There is currently no regulation on private probation companies since not every circuit has them. Many of them operate in an honorable manner but there are certainly some that do not. This should help limit litigation challenging excessive fines and fees.

Testifying for the bill were Representative Hill; Missouri Catholic Conference; Missouri State Public Defenders Office; Empower Missouri; American Civil Liberties Union of Missouri; Missouri Association Of Criminal Defense Lawyers; and Missouri Association of Prosecuting Attorneys.

OPPOSERS: Those who oppose the bill say that the bill, as written, is not good but allowing a judge to order drug or alcohol testing would make it good. Reducing probation to 18 months is only concerning if the courts would prefer more. They also oppose the earned compliance portion of the legislation.

Testifying against the bill was Eastern Missouri Alternative Sentencing Services.