

HCB 2 -- CRIMINAL JUSTICE

SPONSOR: Dogan

PRIVATE PROBATION

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 (Sections 559.016 and 559.600, RSMo).

This is the same as HCS HB 80 (2019).

MINIMUM TERMS OF IMPRISONMENT

The bill specifies conditions under which a court may depart from the applicable minimum term of imprisonment (Section 558.043).

This is the same as the perfected version of HCS HB 113 (2019).

PERSONS FOUND GUILTY OF CERTAIN OFFENSES

This bill provides that the supervisor of liquor control shall not prohibit a person from participating in the sale of alcohol solely on the basis of being found guilty of a felony offense. The bill also repeals language requiring an employer that has a liquor license to report to the Division of Liquor Control within the Department of Public Safety the identity of any employee that has been convicted of a felony.

Finally, the Missouri Gaming Commission will not prohibit a person from participating in the sale of lottery tickets solely on the basis of being found guilty of a criminal offense, but the person will not be eligible to be a licensed lottery game retailer (Sections 311.660 and 313.220).

This is the same as HCS HB 189 (2019).

PAYMENT OF FINES

Currently, associate circuit judges have the ability to commute fines and costs against defendants who are unable to pay when the defendant requests to be imprisoned in the county jail. The fine shall be credited at the rate of \$10 for each day's imprisonment.

This bill repeals that language.

The bill repeals language that allows the court, upon a motion by the prosecuting attorney or by its own motion, to require a defendant to show cause as to why he or she should not be imprisoned for failure to pay and allows the court to imprison such defendant, if no good cause is shown, for various lengths depending on whether the offense was a misdemeanor or a felony.

Instead, when a defendant fails to pay a fine or an installment, the fine or installment may be collected by any means authorized for the collection of money judgments, or it may be waived at the discretion of the judge. In no event can the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of a person be the subject of any condition of probation, and the failure to pay costs cannot be the only basis for the issuance of a warrant (Sections 543.270 and 558.006).

This is the same as the perfected version of HCS HB 192 (2019).

JOHN ASHCROFT FOURTH AMENDMENT AFFIRMATION ACT

This bill establishes various provisions related to the prohibition against discriminatory policing. The bill adds to the information about which an officer is required to report each time he or she stops a driver of a motor vehicle, and it adds to the Attorney General's responsibilities regarding the analyzing of reports compiled by each law enforcement agency relating to discriminatory policing.

The bill requires each law enforcement agency to adopt a policy on discriminatory policing, as well as a policy eliminating discriminatory policing in the administration of consent searches, and it provides what such policy shall accomplish.

This is simliar to HB 484 (2019).

HEALTH CARE PRODUCTS FOR PRISONERS

This bill specifies that the Director of the Department of Corrections must ensure that tampons and sanitary napkins are available for free to offenders while they are confined in any of the department's correctional centers. The director must ensure that the products conform with applicable industry standards.

Additionally, every sheriff and jailer who holds a person in custody pursuant to a writ or process for a criminal offense must ensure that tampons and sanitary napkins are available for free to

such person in custody, in a quantity that is appropriate for the health care needs of the person. The sheriff or jailer must ensure that the products conform with applicable industry standards (Section 221.065).

This is the same as HCS HB 920.

The .02 version of the authorized bill adds the following:

PREGNANCY FURLOUGH

This bill allows Department of Corrections female inmates who are in the last trimester of pregnancy to be considered for a pregnancy furlough if the chief medical administrator verifies that the medical care the inmate would receive outside the correctional center would be comparable or greater than the care that could be rendered within the center to the inmate. A probation or parole officer must develop a plan of community supervision to monitor the inmate's activities while on furlough, and the plan must be approved by the chief administrative officer. The bill specifies what the plan must include. The correctional center placing the inmate on furlough will be responsible for monitoring the inmate while she is on furlough. The chief administrative officer may terminate the furlough at any time during the furlough period for any violation of the furlough conditions (Section 217.149).

EARLY PAROLE FOR GERIATRIC INMATES

This bill specifies that any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature, who is not a convicted sexual offender, who is serving a sentence of life without parole for a minimum of 50 years or more, who was sentenced under Section 565.008, RSMo, prior to October 1, 1984, and whose term of life imprisonment was not for the duration of the offender's natural life must receive a parole hearing upon serving 30 years or more of his or her sentence.

The Parole Board must determine whether there is a reasonable probability that the offender will not violate the law upon release and therefore is eligible for release based upon a finding that the offender meets specified criteria.

The bill requires any offender granted parole under these provisions to be placed on a minimum of five years supervision by the Board of Probation and Parole.

Any offender who is not granted parole under these provisions must be eligible for reconsideration every two years until a presumptive release date is established (Section 217.697).

RESTRAINING PREGNANT INMATES

This bill specifies that if an inmate in a county or city jail is restrained, the jail must comply with regulations under Section 217.151, RSMo (Section 221.150).