

HCB 2 -- CRIMINAL JUSTICE

SPONSOR: Dogan

COMMITTEE ACTION: Voted "to Introduce" by the Special Committee on Criminal Justice by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 0.

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, RSMo).

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 (Sections 217.199 and 221.065).

PREGNANT INMATES IN CITY AND COUNTY JAILS

By September 1, 2018, all county and city jails shall develop specific procedures for the intake and care of prisoners who are pregnant. These required procedures are specified in the bill and include the postpartum recovery period as determined by a physician (Sections 221.520 and 221.523).

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 311.060, 311.660 and 313.220).

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).

MINIMUM TERMS OF IMPRISONMENT

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

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).

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DWI OFFENSES

This bill amends the statute relating to suspended impositions of sentences related to DWI offenses to reduce the minimum term a person must be placed on probation from two years to 18 months to be consistent with the private probation provisions in the bill (Section 577.010).

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 (Section 590.650).

PROPONENTS: Supporters say that this is a good step toward criminal justice reform.

Testifying for the bill were Representative Dogan and Empower Missouri.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that, regarding the discriminatory policing provisions in the bill, they want more clarity on data to be measured because they want to be able to address the bad actors immediately versus having to wait three years for the reporting data to be evaluated.

Testifying on the bill were Missouri Police Chiefs Association and Missouri Association of Prosecuting Attorneys.