

## HCB 2 -- CRIMINAL JUSTICE (Dogan)

COMMITTEE OF ORIGIN: Special Committee on Criminal Justice

### MUNICIPAL COURT JUDGES

This bill specifies that full-time municipal judges shall not be a judge or prosecutor for any other court (Section 66.010, RSMo).

### EARLY PAROLE FOR GERIATRIC OFFENDERS

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, and who was sentenced under Section 565.008, for an offense committed prior to October 1, 1984, 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 (Section 217.697).

### 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 (Section 217.199).

### 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).

#### CIVIL ASSET FORFEITURE

The bill prohibits law enforcement agencies to relinquish seized property to a federal agency unless the prosecuting attorney shows that the person from whom the property was seized satisfies at least one factor specified in the bill. Law enforcement agencies that participate in a joint task force with federal agencies must transfer responsibility for the seized property to the state prosecuting authority for forfeiture under state law. If federal law requires the seized property to be transferred to a federal agency for forfeiture, the state law enforcement agency is prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the federal agency. Law enforcement agencies are permitted to act alone or collaborate with another agency to seize contraband or property that the law enforcement agency has probable cause to believe is the proceeds or instrument of a crime (Section 513.655).

#### MINIMUM TERMS OF IMPRISONMENT

The bill specifies conditions under which a court may depart from the applicable minimum term of imprisonment and it specifies to which offenses the minimum terms of imprisonment apply (Sections 558.019 and 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).

#### 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).

#### 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).