

SECOND REGULAR SESSION

HOUSE BILL NO. 1291

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EVANS.

4035H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.777 and 559.120, RSMo, and to enact in lieu thereof two new sections relating to probation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 217.777 and 559.120, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.777 and 559.120, to read as follows:

217.777. 1. The department shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to:

(1) Promote accountability of offenders to crime victims, local communities and the state by providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement or community service;

(2) Ensure that victims of crime are included in meaningful ways in Missouri's response to crime;

(3) Provide structured opportunities for local communities to determine effective local sentencing options to assure that individual community programs are specifically designed to meet local needs;

(4) Reduce the cost of punishment, supervision and treatment significantly below the annual per-offender cost of confinement within the traditional prison system;

(5) Utilize community supervision centers to effectively respond to violations and prevent revocations; ~~and~~

(6) Improve public confidence in the criminal justice system by involving the public in the development of community-based sentencing options for eligible offenders; **and**

(7) **Promote opportunities for nonviolent primary caregivers to care for their dependent children.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 2. The program shall be designed to implement and operate community-based restorative
20 justice projects including, but not limited to: preventive or diversionary programs,
21 community-based intensive probation and parole services, community-based treatment centers,
22 day reporting centers, and the operation of facilities for the detention, confinement, care and
23 treatment of adults under the purview of this chapter.

24 3. The department shall promulgate rules and regulations for operation of the program
25 established pursuant to this section as provided for in section 217.040 and chapter 536.

26 4. Any proposed program or strategy created pursuant to this section shall be developed
27 after identification of a need in the community for such programs, through consultation with
28 representatives of the general public, judiciary, law enforcement and defense and prosecution
29 bar.

30 5. In communities where local volunteer community boards are established at the request
31 of the court, the following guidelines apply:

32 (1) The department shall provide a program of training to eligible volunteers and develop
33 specific conditions of a probation program and conditions of probation for offenders referred to
34 it by the court. Such conditions, as established by the community boards and the department,
35 may include compensation and restitution to the community and the victim by fines, fees, day
36 fines, victim-offender mediation, participation in victim impact panels, community service, or
37 a combination of the aforementioned conditions;

38 (2) The term of probation shall not exceed five years and may be concluded by the court
39 when conditions imposed are met to the satisfaction of the local volunteer community board.

40 6. The department may staff programs created pursuant to this section with employees
41 of the department or may contract with other public or private agencies for delivery of services
42 as otherwise provided by law.

559.120. The circuit court may place a defendant on probation and require his or her
2 participation in a program established pursuant to section 217.777 if, having regard to the nature
3 and circumstances of the offense and to the history and character of the defendant, the court is
4 of the opinion that:

5 (1) Traditional institutional confinement of the defendant is not necessary for the
6 protection of the public, given adequate supervision; and

7 (2) The defendant is in need of guidance, training, or other assistance, which, in his or
8 her case, can be effectively administered through participation in a community-based treatment
9 program.

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11 **If the court holds such opinions and further finds that the defendant is the primary**
12 **caregiver of one or more dependent children, the court shall consider requiring the**
13 **defendant to participate in a community-based treatment program.**

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