

HCS HB 745 -- PROBATION EARNED COMPLIANCE CREDITS

SPONSOR: Roberts

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Corrections and Public Institutions by a vote of 10 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for HB 745.

This bill authorizes the Division of Probation and Parole within the Department of Corrections to discharge specified offenders who have served at least 24 months of a probation term, who are compliant with supervision ordered by the court, who have paid restitution owed in full, and who are not on probation for a class A or B felony or subject to lifetime supervision.

Notice of proposed earned discharge shall be filed and provided to the prosecuting or circuit attorney. The prosecuting or circuit attorney may request a hearing within 30 days of filing to oppose discharge. If a hearing is requested, the court shall hold it and issue an order no later than 60 days from filing. If a hearing is not requested, then the court shall order discharge within 60 days of filing of notification of earned discharge, but no earlier than 30 days from such filing.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the bill will give the Department of Corrections more discretion to request court ordered discharges, but retain notice to prosecutors. It should avoid unnecessary litigation and make the process of release more efficient. The earned discharge system is very similar to the current way credits are used to determine parole eligibility.

Testifying for the bill were Representative Roberts; Justice Action Network; Missouri Department of Corrections; Missouri Association Of Prosecuting Attorneys and the Missouri Office Prosecution Services.

OPPONENTS: There was no opposition voiced to the committee. Written testimony was submitted.

Testifying against the bill was Arnie C. Dienoff, who provided written testimony.

OTHERS: Others testifying on the bill say calculating credits is currently difficult and can lead to unwanted litigation.

Testifying on the bill was John Mosley, Department of Corrections/Division of Probation and Parole.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.