

HCS SS SB 212 -- CORRECTIONS

SPONSOR: White (Christofanelli)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Public Safety by a vote of 8 to 2. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 6 to 2 with 1 voting Present.

The following is a summary of the House Committee Substitute for SB 212.

This bill repeals the base salary schedule for sheriffs contained in Section 59.317, RSMo, sets the salary for a county sheriff in a county of the first or second classification equal to 80% of the compensation of an associate circuit judge, and establishes a new salary schedule based on county assessed valuation levels and given percentages of the compensation of an associate circuit judge.

The county sheriff in any county may not receive an annual compensation less than specified in this bill.

These provisions have a delayed effective date of January 1, 2022.

Currently, sheriffs and persons specially appointed to serve any summons, writ, subpoena, or other order of the court shall receive \$10 for each service, which the State Treasurer shall deposit into the Deputy Sheriff Salary Supplementation Fund.

This bill provides that the court clerk shall collect \$10 as a court cost for service of any summons, writ, subpoena, or other order of the court when any person other than a sheriff is specially appointed to serve in a county that receives funds from the Deputy Sheriff Salary Supplementation Fund. The State Treasurer shall then deposit the funds into the Deputy Sheriff Salary Supplementation Fund.

This bill replaces the "Department of Corrections and Human Resources" with "Department of Corrections" and the "Board of Probation and Parole" with the "Division of Probation and Parole" or the "Parole Board".

This bill also adds that the chairperson of the board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This bill repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

Under this bill, the Department of Corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all such persons are assessed for substance abuse disorders; shall make available certain medication-assisted treatment services, consistent with a treatment plan developed by a physician; and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or dose or duration of the recommended services.

This bill also modifies the list of covered medications to include formulations of buprenorphine other than tablets and formulations of naltrexone including extended-release injectable formulations. This bill provides that, effective January 1, 2023, any inmate who receives an on-site, non-emergency medical examination or treatment from the correctional center's medical personnel shall be assessed a charge of \$0.50 per visit for the medical examination or treatment.

Inmates shall not be charged a co-pay fee for the following:

- (1) Staff-approved follow-up treatment for chronic illnesses;
- (2) Preventive health care;
- (3) Emergency services;
- (4) Prenatal care;
- (5) Diagnosis or treatment of chronic infectious diseases;
- (6) Mental health care; or
- (7) Substance abuse treatment.

This bill provides that inmates without funds shall not be charged, provided they are considered to be indigent and unable to pay the health care services fee. Additionally, this bill provides that the Department of Corrections shall deposit all funds collected into General Revenue.

This bill provides that offenders who receive funding from the federal Coronavirus Aid, Relief, and Economic Security (CARES) bill shall use such funds to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.

Under current law, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division

Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses.

Under this bill, the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This bill also creates the "Inmate Canteen Fund" in the state treasury, which shall consist of funds received from the inmate canteens. Any proceeds generated from this fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This bill repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary. This bill also provides that the Director of Corrections and any sheriff or jailer who holds a person in custody shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center or jail. The General Assembly may appropriate funds to assist with the funding of this requirement.

Under current law, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the bill. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This bill repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

This bill repeals certain authority to modify conditional release periods currently held by the Board of Probation and Parole and stipulates that time spent in prison, jail, or custody after conviction and before sentencing may be awarded as credit toward a sentence of imprisonment by a circuit court at the time that it pronounces sentence. This part of the bill applies to offenses occurring on or after August 28, 2021.

The bill also specifies that the offense of resisting arrest, detention, or stop by operating a motor vehicle and causing a pursuit by a law enforcement officer who is also operating a motor vehicle is a class E felony.

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 this started as a cleanup bill to fix changes made to the Parole Board and Division of Probation and Parole a few years ago. The Senate bill has amendments for medically assisted drug treatment in incarceration. But, implementing this across the board, across the state, would cost probably something like \$20-40 million. This also adds language requiring an inmate who is being treated for certain non-emergency things to pay a \$0.50 copay. There are exceptions and there is accommodation for indigence. There was language regarding a canteen fund added. There was language added that CARES money could be intercepted and go toward restitution of victims. DOC already has programs for people who are addicted to drugs but medically assisted treatment is not one of them currently because of the cost, so this bill would allow Department of Corrections to use it but it would be subject to appropriation.

Testifying for the bill were Senator White; Arnie C. Dienoff; Mark Parrino, American Association for the Treatment of Opioid Dependence; Paul Samuels, Legal Action Center; Mallinckrodt; and Adam Albach, Missouri Department of Corrections.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill submitted written testimony, which can be found online.

Testifying on the bill was Christine Woody, Empower Missouri.

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.