

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 834, Page 2, Section 217.035, Line 21, by inserting after all of said section and line
3 the following:
4

5 "217.541. 1. The department shall by rule establish a program of house arrest. The director
6 or his or her designee may extend the limits of confinement of offenders serving sentences for class
7 D or E felonies who have one year or less remaining prior to release on parole~~[, conditional release,]~~
8 or discharge to participate in the house arrest program.

9 2. The offender referred to the house arrest program shall remain in the custody of the
10 department and shall be subject to rules and regulations of the department pertaining to offenders of
11 the department until released on parole ~~[or conditional release]~~ by the state parole board.

12 3. The department shall require the offender to participate in work or educational or
13 vocational programs and other activities that may be necessary to the supervision and treatment of
14 the offender.

15 4. An offender released to house arrest shall be authorized to leave his or her place of
16 residence only for the purpose and time necessary to participate in the program and activities
17 authorized in subsection 3 of this section.

18 5. The division of probation and parole shall supervise every offender released to the house
19 arrest program and shall verify compliance with the requirements of this section and such other rules
20 and regulations that the department shall promulgate and may do so by remote electronic
21 surveillance. If any probation/parole officer has probable cause to believe that an offender under
22 house arrest has violated a condition of the house arrest agreement, the probation/parole officer may
23 issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or
24 may deputize any officer with the power of arrest to do so by giving the officer a copy of the
25 warrant which shall outline the circumstances of the alleged violation. The warrant delivered with
26 the offender by the arresting officer to the official in charge of any jail or other detention facility to
27 which the offender is brought shall be sufficient legal authority for detaining the offender. An
28 offender arrested under this section shall remain in custody or incarcerated without consideration of
29 bail. The director or his or her designee, upon recommendation of the probation and parole officer,
30 may direct the return of any offender from house arrest to a correctional facility of the department

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1 for reclassification.

2 6. Each offender who is released to house arrest shall pay a percentage of his or her wages,
3 established by department rules, to a maximum of the per capita cost of the house arrest program.
4 The money received from the offender shall be deposited in the inmate fund and shall be expended
5 to support the house arrest program."; and

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7 Further amend said bill, Page 6, Section 217.703, Line 104, by inserting after all of said section and
8 line the following:
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10 "217.705. 1. The director of the division of probation and parole shall appoint probation
11 and parole officers and institutional parole officers as deemed necessary to carry out the purposes of
12 the board.

13 2. Probation and parole officers shall investigate all persons referred to them for
14 investigation by the board or by any court as provided by sections 217.750 and 217.760. They shall
15 furnish to each offender released under their supervision a written statement of the conditions of
16 probation[~~;~~] or parole [~~or conditional release~~] and shall instruct the offender regarding these
17 conditions. They shall keep informed of the offender's conduct and condition and use all suitable
18 methods to aid and encourage the offender to bring about improvement in the offender's conduct and
19 conditions.

20 3. The probation and parole officer may recommend and, by order duly entered, the court
21 may impose and may at any time modify any conditions of probation. The court shall cause a copy
22 of any such order to be delivered to the probation and parole officer and the offender.

23 4. Probation and parole officers shall keep detailed records of their work and shall make
24 such reports in writing and perform such other duties as may be incidental to those enumerated that
25 the board may require. In the event a parolee is transferred to another probation and parole officer,
26 the written record of the former probation and parole officer shall be given to the new probation and
27 parole officer.

28 5. Institutional parole officers shall investigate all offenders referred to them for
29 investigation by the board and shall provide the board such other reports the board may require.
30 They shall furnish the offender prior to release on parole [~~or conditional release~~] a written statement
31 of the conditions of parole [~~or conditional release~~] and shall instruct the offender regarding these
32 conditions.

33 6. The department shall furnish probation and parole officers and institutional parole
34 officers, including supervisors, with credentials and a special badge which such officers and
35 supervisors shall carry on their person at all times while on duty."; and

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37 Further amend said bill, Page 7, Section 217.710, Line 34, by inserting after all of said section and
38 line the following:
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40 "217.718. 1. As an alternative to the revocation proceedings provided under sections
41 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a

1 condition of probation under section 559.026, a probation or parole officer may order an offender to
2 submit to a period of detention in the county jail, or other appropriate institution, upon a
3 determination by a probation or parole officer that the offender has violated a condition of continued
4 probation or parole.

5 2. The period of detention may not exceed forty-eight hours the first time it is imposed
6 against an offender during a term of probation or parole. Subsequent periods may exceed forty-
7 eight hours, but the total number of hours an offender spends in detention under this section shall
8 not exceed three hundred sixty in any calendar year.

9 3. The officer shall present the offender with a written report detailing in what manner the
10 offender has violated the conditions of parole, probation, or conditional release and advise the
11 offender of the right to a hearing before the court or board prior to the period of detention. The
12 division shall file a copy of the violation report with the sentencing court or board after the
13 imposition of the period of detention and within a reasonable period of time that is consistent with
14 existing division procedures.

15 4. Any offender detained under this section in a county of the first class or second class or in
16 any city with a population of five hundred thousand or more and detained as herein provided shall
17 be subject to all the provisions of section 221.170, even though the offender was not convicted and
18 sentenced to a jail or workhouse.

19 5. If parole[, or probation[, or conditional release]] is revoked and a term of imprisonment is
20 served by reason thereof, the time spent in a jail, halfway house, honor center, workhouse, or other
21 institution as a detention condition of parole[, or probation[, or conditional release]] shall be
22 credited against the prison or jail term served for the offense in connection with which the detention
23 was imposed.

24 6. The division shall reimburse the county jail or other institution for the costs of detention
25 under this section at a rate determined by the department of corrections, which shall be at least thirty
26 dollars per day per offender and subject to appropriation of funds by the general assembly. Prior to
27 ordering the offender to submit to the period of detention under subsection 1 of this section, the
28 probation and parole officer shall certify to the county jail or institution that the division has
29 sufficient funds to provide reimbursement for the costs of the period of detention. A jail or other
30 institution may refuse to detain an offender under this section if funds are not available to provide
31 reimbursement or if there is inadequate space in the facility for the offender.

32 7. Upon successful completion of the period of detention under this section, the court or
33 board may not revoke the term of parole, probation, [~~or conditional release~~] or impose additional
34 periods of detention for the same incident unless new or additional information is discovered that
35 was unknown to the division when the period of detention was imposed and indicates that the
36 offender was involved in the commission of a crime. If the offender fails to complete the period of
37 detention or new or additional information is discovered that the incident involved a crime, the
38 offender may be arrested under sections 217.720 and 217.722."; and

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40 Further amend said bill, Page 8, Section 217.720, Line 57, by inserting after all of said section and
41 line the following:

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2 "217.730. 1. The period served on parole, except for judicial parole granted or revoked
3 pursuant to section 559.100, shall be deemed service of the term of imprisonment and, subject to the
4 provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the
5 total time served may not exceed the maximum term or sentence.

6 2. When an offender on parole [~~or conditional release~~], before the expiration of the term for
7 which the offender was sentenced, has performed the obligation of his parole for such time as
8 satisfies the board that his final release is not incompatible with the best interest of society and the
9 welfare of the individual, the board may make a final order of discharge and issue a certificate of
10 discharge to the offender. No such order of discharge shall be made in any case less than three years
11 after the date on which the offender was paroled [~~or conditionally released~~] except where the
12 sentence expires earlier.

13 3. Upon final discharge, persons shall be informed in writing on the process and procedure
14 to register to vote."; and

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16 Further amend said bill, Page 12, Section 548.241, Line 10, by inserting after all of said section and
17 line the following:

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19 "558.011. 1. The authorized terms of imprisonment, including both prison and conditional
20 release terms, are:

21 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty
22 years, or life imprisonment;

23 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen
24 years;

25 (3) For a class C felony, a term of years not less than three years and not to exceed ten years;

26 (4) For a class D felony, a term of years not to exceed seven years;

27 (5) For a class E felony, a term of years not to exceed four years;

28 (6) For a class A misdemeanor, a term not to exceed one year;

29 (7) For a class B misdemeanor, a term not to exceed six months;

30 (8) For a class C misdemeanor, a term not to exceed fifteen days.

31 2. In cases of class D and E felonies, the court shall have discretion to imprison for a special
32 term not to exceed one year in the county jail or other authorized penal institution, and the place of
33 confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term
34 longer than one year upon a person convicted of a class D or E felony, it shall commit the person to
35 the custody of the department of corrections.

36 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall
37 commit the person to the custody of the department of corrections for the term imposed under
38 section 557.036, or until released under procedures established elsewhere by law.

39 (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court
40 shall commit the person to the county jail or other authorized penal institution for the term of his or

1 her sentence or until released under procedure established elsewhere by law.

2 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for
3 felonies other than dangerous felonies as defined in section 556.061, and other than sentences of
4 imprisonment which involve the individual's fourth or subsequent remand to the department of
5 corrections shall consist of a prison term and a conditional release term when the offense occurred
6 before August 28, 2022. The conditional release term of any term imposed under section 557.036
7 shall be:

8 (a) One-third for terms of nine years or less;

9 (b) Three years for terms between nine and fifteen years;

10 (c) Five years for terms more than fifteen years; and the prison term shall be the remainder
11 of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this
12 section.

13 (2) "Conditional release" means the conditional discharge of an offender by the parole
14 board, subject to conditions of release that the parole board deems reasonable to assist the offender
15 to lead a law-abiding life, and subject to the supervision under the division of probation and parole.
16 The conditions of release shall include avoidance by the offender of any other offense, federal or
17 state, and other conditions that the parole board in its discretion deems reasonably necessary to
18 assist the releasee in avoiding further violation of the law.

19 5. The date of conditional release from the prison term may be extended up to a maximum
20 of the entire sentence of imprisonment by the parole board. The director of any division of the
21 department of corrections except the division of probation and parole may file with the parole board
22 a petition to extend the conditional release date when an offender fails to follow the rules and
23 regulations of the division or commits an act in violation of such rules. Within ten working days of
24 receipt of the petition to extend the conditional release date, the parole board shall convene a
25 hearing on the petition. The offender shall be present and may call witnesses in his or her behalf
26 and cross-examine witnesses appearing against the offender. The hearing shall be conducted as
27 provided in section 217.670. If the violation occurs in close proximity to the conditional release
28 date, the conditional release may be held for a maximum of fifteen working days to permit
29 necessary time for the division director to file a petition for an extension with the parole board and
30 for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to
31 extend the conditional release has occurred prior to the conditional release date. If at the end of a
32 fifteen-working-day period a parole board decision has not been reached, the offender shall be
33 released conditionally. The decision of the parole board shall be final.

34 6. For offenses occurring on or after August 28, 2022, a sentence of imprisonment shall
35 consist only of a prison term without eligibility for conditional release.

36 558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court
37 specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment
38 imposed for any offense committed during or at the same time as, or multiple offenses of, the
39 following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or

(5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation^[,] or parole ~~[or conditional release]~~ is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole ~~[or after the start of his or her conditional release term]~~, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation^[,] or parole ~~[or conditional release]~~ revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation^[,] or parole ~~[or conditional release]~~ revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his or her sentence within the department of corrections of the state of Missouri, except that a personal hearing before the parole board shall not be required for parole consideration.

558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court ~~[or a term of conditional release]~~ or parole pronounced by the parole board if the court determines that:

- (1) The convicted person was:
 - (a) Convicted of an offense that did not involve violence or the threat of violence; and
 - (b) Convicted of an offense that involved alcohol or illegal drugs; and
- (2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and
- (3) The convicted person is not:
 - (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or
 - (b) A persistent sexual offender as defined in section 566.125; or
 - (c) A prior offender, a persistent offender or a class X offender as defined in section 558.019."; and

Further amend said bill, Page 18, Section 559.115, Line 77, by inserting after all of said section and line the following:

"570.030. 1. A person commits the offense of stealing if he or she:

1 (1) Appropriates property or services of another with the purpose to deprive him or her
2 thereof, either without his or her consent or by means of deceit or coercion;

3 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
4 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or
5 coercion; or

6 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or
7 disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

8 2. The offense of stealing is a class A felony if the property appropriated consists of any of
9 the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car,
10 bulk storage tank, field nurse, field tank or field applicator.

11 3. The offense of stealing is a class B felony if:

12 (1) The property appropriated or attempted to be appropriated consists of any amount of
13 anhydrous ammonia or liquid nitrogen;

14 (2) The property consists of any animal considered livestock as the term livestock is defined
15 in section 144.010, or any captive wildlife held under permit issued by the conservation
16 commission, and the value of the animal or animals appropriated exceeds three thousand dollars and
17 that person has previously been found guilty of appropriating any animal considered livestock or
18 captive wildlife held under permit issued by the conservation commission. Notwithstanding any
19 provision of law to the contrary, such person shall serve a minimum prison term of not less than
20 eighty percent of his or her sentence before he or she is eligible for probation, parole, ~~[conditional~~
21 ~~release,]~~ or other early release by the department of corrections;

22 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and
23 that person has previously been found guilty of two stealing-related offenses committed on two
24 separate occasions where such offenses occurred within ten years of the date of occurrence of the
25 present offense;

26 (4) The property appropriated or attempted to be appropriated consists of any animal
27 considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds
28 ten thousand dollars; or

29 (5) The property appropriated or attempted to be appropriated is owned by or in the custody
30 of a financial institution and the property is taken or attempted to be taken physically from an
31 individual person to deprive the owner or custodian of the property.

32 4. The offense of stealing is a class C felony if the value of the property or services
33 appropriated is twenty-five thousand dollars or more.

34 5. The offense of stealing is a class D felony if:

35 (1) The value of the property or services appropriated is seven hundred fifty dollars or more;

36 (2) The offender physically takes the property appropriated from the person of the victim; or

37 (3) The property appropriated consists of:

38 (a) Any motor vehicle, watercraft or aircraft;

39 (b) Any will or unrecorded deed affecting real property;

- 1 (c) Any credit device, debit device or letter of credit;
- 2 (d) Any firearms;
- 3 (e) Any explosive weapon as defined in section 571.010;
- 4 (f) Any United States national flag designed, intended and used for display on buildings or
5 stationary flagstaffs in the open;
- 6 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
7 legislature of the state of Missouri;
- 8 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
9 any other state or of the United States;
- 10 (i) Any book of registration or list of voters required by chapter 115;
- 11 (j) Any animal considered livestock as that term is defined in section 144.010;
- 12 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- 13 (l) Any captive wildlife held under permit issued by the conservation commission;
- 14 (m) Any controlled substance as defined by section 195.010;
- 15 (n) Ammonium nitrate;
- 16 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
17 telecommunications, video, internet, or voice over internet protocol service, or any other device or
18 pipe that is associated with conducting electricity or transporting natural gas or other combustible
19 fuels; or
- 20 (p) Any material appropriated with the intent to use such material to manufacture,
21 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
22 analogues.
- 23 6. The offense of stealing is a class E felony if:
24 (1) The property appropriated is an animal;
25 (2) The property is a catalytic converter; or
26 (3) A person has previously been found guilty of three stealing-related offenses committed
27 on three separate occasions where such offenses occurred within ten years of the date of occurrence
28 of the present offense.
- 29 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in
30 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred
31 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
- 32 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
33 section.
- 34 9. If a violation of this section is subject to enhanced punishment based on prior findings of
35 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section
36 558.021.
- 37 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6
38 of this section or of a value of seven hundred fifty dollars or more may be considered a separate
39 felony and may be charged in separate counts.

1 11. The value of property or services appropriated pursuant to one scheme or course of
2 conduct, whether from the same or several owners and whether at the same or different times,
3 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,
4 except as set forth in subsection 10 of this section.

5 571.015. 1. Any person who commits any felony under the laws of this state by, with, or
6 through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the
7 offense of armed criminal action and, upon conviction, shall be punished by imprisonment by the
8 department of corrections for a term of not less than three years and not to exceed fifteen years,
9 unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall
10 be for a term of not less than five years. The punishment imposed pursuant to this subsection shall
11 be in addition to and consecutive to any punishment provided by law for the crime committed by,
12 with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person
13 convicted under this subsection shall be eligible for parole, probation, ~~[conditional release,]~~ or
14 suspended imposition or execution of sentence for a period of three calendar years.

15 2. Any person convicted of a second offense of armed criminal action under subsection 1 of
16 this section shall be punished by imprisonment by the department of corrections for a term of not
17 less than five years and not to exceed thirty years, unless the person is unlawfully possessing a
18 firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The
19 punishment imposed pursuant to this subsection shall be in addition to and consecutive to any
20 punishment provided by law for the crime committed by, with, or through the use, assistance, or aid
21 of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be
22 eligible for parole, probation, ~~[conditional release,]~~ or suspended imposition or execution of
23 sentence for a period of five calendar years.

24 3. Any person convicted of a third or subsequent offense of armed criminal action under
25 subsection 1 of this section shall be punished by imprisonment by the department of corrections for
26 a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case
27 the term of imprisonment shall be no less than fifteen years. The punishment imposed pursuant to
28 this subsection shall be in addition to and consecutive to any punishment provided by law for the
29 crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly
30 weapon. No person convicted under this subsection shall be eligible for parole, probation,
31 ~~[conditional release,]~~ or suspended imposition or execution of sentence for a period of ten calendar
32 years."; and
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34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.