

HCS SCS SB 799 -- CUSTODY OF OFFENDERS

SPONSOR: Hegeman (Richey)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention by a vote of 8 to 2. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 3.

The following is a summary of the House Committee Substitute for SB 799.

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. An earned compliance credit system currently in law is repealed and replaced by the earned discharge provisions of the bill.

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.

This bill establishes certain provisions that will apply when a judge or judicial officer sets bail. The provisions include there being a presumption against release on one's own recognizance or unsecured bond that may only be overcome by clear and convincing evidence that a person is not a flight risk or a danger to the community in certain circumstances listed in the bill.

This bill adds to the offense of escape from custody any person who is being held in custody after arrest for any probation or parole violation who escapes or attempts to escape from custody. This offense shall be a Class A misdemeanor unless the person was under arrest for a felony, in which case it is a Class E felony; or the offense is committed by means of a deadly weapon or holding a person hostage, in which case it is a Class A felony.

Under the bill, a circuit court for the jurisdiction in which the probationer is under supervision is authorized to add any condition, upon a petition from the state, to a term of probation for an offender supervised in Missouri for a term of probation

ordered by another state. However, the court may not reduce, extend, or revoke a term of probation. Additionally, the Division of Probation and Parole may submit violation reports to the prosecuting attorney or circuit attorney asking the court to add a condition or sanction to a term of supervision. The Division of Probation and Parole does not have the authorization to reduce, extend, or revoke a term of parole.

Under the bill, a Missouri probationer or parolee seeking transfer of his or her supervision pursuant to the Interstate Compact for Adult Offender Supervision shall pay a \$175 fee for each application, unless waived by the compact commissioner for an undue economic burden on the offender. The bill establishes the "Missouri State Compact Fund" and all fees collected by the commissioners shall be paid to the Fund. The money from the Fund shall be used for the sole benefit of the Department of Corrections to pay the expenses of the Interstate Compact for Adult Offender Supervision.

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

PROPONENTS: Supporters say that this bill is necessary because a local prosecutor was unable to charge a person who had escaped from custody for a parole violation because of the interpretation of the statute.

Testifying for the bill were Senator Hegeman; Arnie C. Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they are available for questions.

Testifying on the bill was Adam Albach, Department Of Corrections.

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.