

FIRST REGULAR SESSION

HOUSE BILL NO. 372

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

1003H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 558.041, RSMo, and to enact in lieu thereof one new section relating to good time credit.

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

Section A. Section 558.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.041, to read as follows:

558.041. 1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, ~~may~~ **shall** receive additional credit in terms of days spent in confinement upon recommendation for such credit by the offender's institutional superintendent when the offender meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. **(1)** The director of the department of corrections shall issue a policy for awarding credit.

(2) The policy ~~may~~ **shall** reward an ~~inmate~~ **offender** who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him or her.

(3) Any **major conduct** violation of institutional rules ~~or~~, the laws of this state ~~may~~, **or the accumulation of minor conduct violations exceeding six within a calendar**

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.

17 **year shall** result in the loss of all ~~[or a portion of any]~~ credit earned by the ~~[inmate]~~ **offender**
18 pursuant to this section.

19 **(4) The policy shall specify the programs or activities for which credit may be**
20 **earned under this section; the criteria for determining productive participation in, or**
21 **completion of, the programs or activities; and the criteria for awarding credit.**

22 **(5) No offender committed to the department who is sentenced to death or**
23 **sentenced to life without probation or parole shall be eligible for good time credit.**

24 **(6) The department shall award credit of sixty days for programs and activities**
25 **to any qualifying offender who successfully:**

26 **(a) Receives a high school diploma or equivalent, college diploma, or a**
27 **vocational training certificate as provided under the department's policy;**

28 **(b) Completes an alcohol or drug abuse treatment program as provided under**
29 **the department's policy, except that alcohol and drug abuse treatment programs**
30 **ordered by the court or parole board shall not qualify;**

31 **(c) Completes one thousand hours of restorative justice; or**

32 **(d) Completes other programs as provided under the department's policy.**

33 **(7) Offenders sentenced under subsections 2 and 3 of section 558.019 shall be**
34 **eligible for good time credit. Any good time credit earned shall be subtracted from the**
35 **offender's minimum eligibility-for-release date.**

36 **(8) Nothing in this section shall be construed to require that the offender be**
37 **released as a result of good time credit. The parole board in its discretion shall**
38 **determine the date of release.**

39 4. The department shall cause the policy to be published in the code of state
40 regulations.

41 5. No rule or portion of a rule promulgated under the authority of this chapter shall
42 become effective unless it has been promulgated pursuant to the provisions of section
43 536.024.

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