

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 119, 372, 382, 420, 550 & 693

102ND GENERAL ASSEMBLY

1011H.06P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.035, 217.147, 217.650, 217.670, 217.690, 217.703, 217.710, 217.720, 217.785, 217.810, 334.104, 548.241, 558.031, 558.041, 559.016, and 559.036, RSMo, and to enact in lieu thereof nineteen new sections relating to offenders in custody, with penalty provisions.

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

Section A. Sections 217.035, 217.147, 217.650, 217.670, 217.690, 217.703, 217.710, 217.720, 217.785, 217.810, 334.104, 548.241, 558.031, 558.041, 559.016, and 559.036, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 217.035, 217.147, 217.451, 217.650, 217.670, 217.690, 217.710, 217.720, 221.108, 334.104, 506.400, 548.241, 558.031, 558.041, 559.016, 559.036, 589.564, 589.565, and 1, to read as follows:

217.035. The director shall have the authority to:

- (1) Establish, with approval of the governor, the internal organization of the department and file the plan thereof with the secretary of state in the manner in which administrative rules are filed, the commissioner of administration and the revisor of statutes;
- (2) Exclusively prepare the budgets of the department and each division within the department in the form and manner set out by statute or by the commissioner of administration;
- (3) Designate by written order filed with the governor, the president pro tem of the senate, and the chairman of the joint committee on corrections, a deputy director of the department to act for and exercise the powers of the director during the director's absence for

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.

11 official business, vacation, illness or incapacity. The deputy director shall serve as acting
12 director no longer than six months; however, after the deputy director has acted as director for
13 longer than thirty days the deputy director shall receive compensation equal to that of the
14 director;

15 (4) Procure, either through the division of purchasing or by other means authorized
16 by law, supplies, material, equipment or contractual services for the department and each of
17 its divisions;

18 (5) Establish policy for the department and each of its divisions;

19 (6) Designate any responsibilities, duties and powers given by sections 217.010,
20 [~~217.810~~] 558.011, and 558.026 to the department or the department director to any division
21 or division director.

217.147. 1. There is hereby created the "Sentencing and Corrections Oversight
2 Commission". The commission shall be composed of thirteen members as follows:

3 (1) A circuit court judge to be appointed by the chief justice of the Missouri supreme
4 court;

5 (2) Three members to be appointed by the governor with the advice and consent of
6 the senate, one of whom shall be a victim's advocate, one of whom shall be a representative
7 from the Missouri Sheriffs' Association, and one of whom shall be a representative of the
8 Missouri Association of Counties;

9 (3) The following shall be ex officio, voting members:

10 (a) The chair of the senate judiciary committee, or any successor committee that
11 reviews legislation involving crime and criminal procedure, who shall serve as co-chair of the
12 commission and the ranking minority member of such senate committee;

13 (b) The chair of the appropriations-public safety and corrections committee of the
14 house of representatives, or any successor committee that reviews similar legislation, who
15 shall serve as co-chair and the ranking minority member of such house committee;

16 (c) The director of the Missouri state public defender system, or his or her designee
17 who is a practicing public defender;

18 (d) The executive director of the Missouri office of prosecution services, or his or her
19 designee who is a practicing prosecutor;

20 (e) The director of the department of corrections, or his or her designee;

21 (f) The chairman of the board of probation and parole, or his or her designee;

22 (g) The chief justice of the Missouri supreme court, or his or her designee.

23 2. Beginning with the appointments made after August 28, 2012, the circuit court
24 judge member shall be appointed for four years, two of the members appointed by the
25 governor shall be appointed for three years, and one member appointed by the governor shall
26 be appointed for two years. Thereafter, the members shall be appointed to serve four-year

27 terms and shall serve until a successor is appointed. A vacancy in the office of a member
28 shall be filled by appointment for the remainder of the unexpired term.

29 3. The co-chairs are responsible for establishing and enforcing attendance and voting
30 rules, bylaws, and the frequency, location, and time of meetings, and distributing meeting
31 notices, except that the commission's first meeting shall occur by February 28, 2013, and the
32 commission shall meet at least twice each calendar year.

33 4. The duties of the commission shall include:

34 (1) Monitoring and assisting the implementation of [~~sections 217.703;~~] **section**
35 **217.718**[;] and subsection 4 of section 559.036, and evaluating recidivism reductions, cost
36 savings, and other effects resulting from the implementation;

37 (2) Determining ways to reinvest any cost savings to pay for the continued
38 implementation of the sections listed in subdivision (1) of this subsection and other evidence-
39 based practices for reducing recidivism; and

40 (3) Examining the issue of restitution for crime victims, including the amount ordered
41 and collected annually, methods and costs of collection, and restitution's order of priority in
42 official procedures and documents.

43 5. The department, board, and office of state courts administrator shall collect and
44 report any data requested by the commission in a timely fashion.

45 6. The commission shall issue a report to the speaker of the house of representatives,
46 senate president pro tempore, chief justice of the Missouri supreme court, and governor on
47 December 31, 2013, and annually thereafter, detailing the effects of the sections listed in
48 subdivision (1) of subsection 4 **of this section** and providing the data and analysis
49 demonstrating those effects. The report may also recommend ways to reinvest any cost
50 savings into evidence-based practices to reduce recidivism and possible changes to sentencing
51 and corrections policies and statutes.

52 7. The department of corrections shall provide administrative support to the
53 commission to carry out the duties of this section.

54 8. No member shall receive any compensation for the performance of official duties,
55 but the members who are not otherwise reimbursed by their agency shall be reimbursed for
56 travel and other expenses actually and necessarily incurred in the performance of their duties.

57 9. The provisions of this section shall automatically expire on August 28, 2018.

**217.451. 1. Correctional centers shall provide offenders with reasonable access
2 to phone services during an offender's term of confinement.**

**3 2. No correctional center or other party shall charge an offender in a
4 correctional center a total amount for a domestic phone call, including fees and any per-
5 minute rate, that exceeds the equivalent of twelve cents per minute.**

217.650. As used in sections 217.650 to ~~217.810~~ **217.805**, unless the context clearly indicates otherwise, the following terms mean:

(1) "Chairperson", chairperson of the parole board who shall be appointed by the governor;

(2) "Diversionary program", a program designed to utilize alternatives to incarceration undertaken under the supervision of the division of probation and parole after commitment of an offense and prior to arraignment;

(3) "Parole", the release of an offender to the community by the court or the state parole board prior to the expiration of his term, subject to conditions imposed by the court or the parole board and to its supervision by the division of probation and parole;

(4) "Parole board", the state board of parole;

(5) "Prerelease program", a program relating to an offender's preparation for, or orientation to, supervision by the division of probation and parole immediately prior to or immediately after assignment of the offender to the division of probation and parole for supervision;

(6) "Pretrial program", a program relating to the investigation or supervision of persons referred or assigned to the division of probation and parole prior to their conviction;

(7) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the division of probation and parole;

(8) "Recognizance program", a program relating to the release of an individual from detention who is under arrest for an offense for which he or she may be released as provided in section 544.455.

217.670. 1. The board shall adopt an official seal of which the courts shall take official notice.

2. Decisions of the board regarding granting of paroles, extensions of a conditional release date or revocations of a parole or conditional release shall be by a majority vote of the hearing panel members. The hearing panel shall consist of one member of the board and two hearing officers appointed by the board. A member of the board may remove the case from the jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional release, the offender may appeal the decision of the hearing panel to the board. The board shall consider the appeal within thirty days of receipt of the appeal. The decision of the board shall be by majority vote of the board members and shall be final.

3. The orders of the board shall not be reviewable except as to compliance with the terms of sections 217.650 to ~~217.810~~ **217.805** or any rules promulgated pursuant to such section.

15 4. The board shall keep a record of its acts and shall notify each correctional center of
16 its decisions relating to persons who are or have been confined in such correctional center.

17 5. Notwithstanding any other provision of law, any meeting, record, or vote, of
18 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record,
19 or closed vote.

20 6. Notwithstanding any other provision of law, when the appearance or presence of an
21 offender before the board or a hearing panel is required for the purpose of deciding whether to
22 grant conditional release or parole, extend the date of conditional release, revoke parole or
23 conditional release, or for any other purpose, such appearance or presence may occur by
24 means of a videoconference at the discretion of the board. Victims having a right to attend
25 parole hearings may testify either at the site where the board is conducting the
26 videoconference or at the institution where the offender is located. The use of
27 videoconferencing in this section shall be at the discretion of the board, and shall not be
28 utilized if either the victim or the victim's family objects to it.

217.690. 1. All releases or paroles shall issue upon order of the parole board, duly
2 adopted.

3 2. Before ordering the parole of any offender, the parole board shall conduct a
4 validated risk and needs assessment and evaluate the case under the rules governing parole
5 that are promulgated by the parole board. The parole board shall then have the offender
6 appear before a hearing panel and shall conduct a personal interview with him or her, unless
7 waived by the offender, or if the guidelines indicate the offender may be paroled without need
8 for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a
9 victim requests a hearing. The appearance or presence may occur by means of a
10 videoconference at the discretion of the parole board. A parole may be ordered for the best
11 interest of society when there is a reasonable probability, based on the risk assessment and
12 indicators of release readiness, that the person can be supervised under parole supervision and
13 successfully reintegrated into the community, not as an award of clemency; it shall not be
14 considered a reduction of sentence or a pardon. Every offender while on parole shall remain
15 in the legal custody of the department but shall be subject to the orders of the parole board.

16 3. The division of probation and parole has discretionary authority to require the
17 payment of a fee, not to exceed sixty dollars per month, from every offender placed under
18 division supervision on probation, parole, or conditional release, to waive all or part of any
19 fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity
20 for fee collections services. **No such fee shall be levied or accrue for the first sixty days**
21 **the offender is on parole or conditional release.** All fees collected shall be deposited in the
22 inmate fund established in section 217.430. Fees collected may be used to pay the costs of
23 contracted collections services. The fees collected may otherwise be used to provide

24 community corrections and intervention services for offenders. Such services include
25 substance abuse assessment and treatment, mental health assessment and treatment, electronic
26 monitoring services, residential facilities services, employment placement services, and other
27 offender community corrections or intervention services designated by the division of
28 probation and parole to assist offenders to successfully complete probation, parole, or
29 conditional release. The division of probation and parole shall adopt rules not inconsistent
30 with law, in accordance with section 217.040, with respect to sanctioning offenders and with
31 respect to establishing, waiving, collecting, and using fees.

32 4. The parole board shall adopt rules not inconsistent with law, in accordance with
33 section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole
34 hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole
35 is issued it shall recite the conditions of such parole.

36 5. When considering parole for an offender with consecutive sentences, the minimum
37 term for eligibility for parole shall be calculated by adding the minimum terms for parole
38 eligibility for each of the consecutive sentences, except the minimum term for parole
39 eligibility shall not exceed the minimum term for parole eligibility for an ordinary life
40 sentence.

41 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or
42 more or multiple terms of imprisonment that, taken together, amount to fifteen or more years
43 who was under eighteen years of age at the time of the commission of the offense or offenses
44 may be eligible for parole after serving fifteen years of incarceration, regardless of whether
45 the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in
46 accordance with regulations promulgated by the parole board.

47 7. The provisions of subsection 6 of this section shall not apply to an offender found
48 guilty of murder in the first degree or capital murder who was under eighteen years of age
49 when the offender committed the offense or offenses who may be found ineligible for parole
50 or whose parole eligibility may be controlled by section 558.047 or 565.033.

51 8. Any offender under a sentence for first degree murder who has been denied release
52 on parole after a parole hearing shall not be eligible for another parole hearing until at least
53 three years from the month of the parole denial; however, this subsection shall not prevent a
54 release pursuant to subsection 4 of section 558.011.

55 9. A victim who has requested an opportunity to be heard shall receive notice that the
56 parole board is conducting an assessment of the offender's risk and readiness for release and
57 that the victim's input will be particularly helpful when it pertains to safety concerns and
58 specific protective measures that may be beneficial to the victim should the offender be
59 granted release.

60 10. Parole hearings shall, at a minimum, contain the following procedures:

61 (1) The victim or person representing the victim who attends a hearing may be
62 accompanied by one other person;

63 (2) The victim or person representing the victim who attends a hearing shall have the
64 option of giving testimony in the presence of the inmate or to the hearing panel without the
65 inmate being present;

66 (3) The victim or person representing the victim may call or write the parole board
67 rather than attend the hearing;

68 (4) The victim or person representing the victim may have a personal meeting with a
69 parole board member at the parole board's central office;

70 (5) The judge, prosecuting attorney or circuit attorney and a representative of the
71 local law enforcement agency investigating the crime shall be allowed to attend the hearing or
72 provide information to the hearing panel in regard to the parole consideration; and

73 (6) The parole board shall evaluate information listed in the juvenile sex offender
74 registry pursuant to section 211.425, provided the offender is between the ages of seventeen
75 and twenty-one, as it impacts the safety of the community.

76 11. The parole board shall notify any person of the results of a parole eligibility
77 hearing if the person indicates to the parole board a desire to be notified.

78 12. The parole board may, at its discretion, require any offender seeking parole to
79 meet certain conditions during the term of that parole so long as said conditions are not illegal
80 or impossible for the offender to perform. These conditions may include an amount of
81 restitution to the state for the cost of that offender's incarceration.

82 13. Special parole conditions shall be responsive to the assessed risk and needs of the
83 offender or the need for extraordinary supervision, such as electronic monitoring. The parole
84 board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload
85 conditions upon release, and to require the modification and reduction of conditions based on
86 the person's continuing stability in the community. Parole board rules shall permit parole
87 conditions to be modified by parole officers with review and approval by supervisors.

88 14. Nothing contained in this section shall be construed to require the release of an
89 offender on parole nor to reduce the sentence of an offender heretofore committed.

90 15. Beginning January 1, 2001, the parole board shall not order a parole unless the
91 offender has obtained a high school diploma or its equivalent, or unless the parole board is
92 satisfied that the offender, while committed to the custody of the department, has made an
93 honest good-faith effort to obtain a high school diploma or its equivalent; provided that the
94 director may waive this requirement by certifying in writing to the parole board that the
95 offender has actively participated in mandatory education programs or is academically unable
96 to obtain a high school diploma or its equivalent.

97 16. Any rule or portion of a rule, as that term is defined in section 536.010, that is
98 created under the authority delegated in this section shall become effective only if it complies
99 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
100 This section and chapter 536 are nonseverable and if any of the powers vested with the
101 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
102 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
103 rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid
104 and void.

217.710. 1. Probation and parole officers, supervisors and members of the parole
2 board, who are certified pursuant to the requirements of subsection 2 of this section shall have
3 the authority to carry their firearms at all times. The department of corrections shall
4 promulgate policies and operating regulations which govern the use of firearms by probation
5 and parole officers, supervisors, and members of the parole board when carrying out the
6 provisions of sections 217.650 to ~~[217.810]~~ **217.805**. Mere possession of a firearm shall not
7 constitute an employment activity for the purpose of calculating compensatory time or
8 overtime.

9 2. The department shall determine the content of the required firearms safety training
10 and provide firearms certification and recertification training for probation and parole
11 officers, supervisors, and members of the parole board. A minimum of sixteen hours of
12 firearms safety training shall be required. In no event shall firearms certification or
13 recertification training for probation and parole officers and supervisors exceed the training
14 required for officers of the state highway patrol.

15 3. The department shall determine the type of firearm to be carried by the officers,
16 supervisors, and members of the parole board.

17 4. Any officer, supervisor, or member of the parole board ~~[that]~~ **who** chooses to carry
18 a firearm in the performance of such officer's, supervisor's, or member's duties shall purchase
19 the firearm and holster.

20 5. The department shall furnish such ammunition as is necessary for the performance
21 of the officer's, supervisor's, and member's duties.

22 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
23 promulgated under the authority of this chapter, shall become effective only if the agency has
24 fully complied with all of the requirements of chapter 536 including but not limited to, section
25 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to
26 August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however
27 nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of
28 any rule adopted and promulgated prior to August 28, 1998. If the provisions of section
29 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested

30 with the general assembly pursuant to section 536.028 to review, to delay the effective date,
31 or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the
32 purported grant of rulemaking authority and any rule so proposed and contained in the order
33 of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section
34 shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

217.720. 1. At any time during release on parole or conditional release the division of
2 probation and parole may issue a warrant for the arrest of a released offender for violation of
3 any of the conditions of parole or conditional release. The warrant shall authorize any law
4 enforcement officer to return the offender to the actual custody of the correctional center from
5 which the offender was released, or to any other suitable facility designated by the division.
6 If any parole or probation officer has probable cause to believe that such offender has violated
7 a condition of parole or conditional release, the probation or parole officer may issue a
8 warrant for the arrest of the offender. The probation or parole officer may effect the arrest or
9 may deputize any officer with the power of arrest to do so by giving the officer a copy of the
10 warrant which shall outline the circumstances of the alleged violation and contain the
11 statement that the offender has, in the judgment of the probation or parole officer, violated
12 conditions of parole or conditional release. The warrant delivered with the offender by the
13 arresting officer to the official in charge of any facility designated by the division to which the
14 offender is brought shall be sufficient legal authority for detaining the offender. After the
15 arrest the parole or probation officer shall present to the detaining authorities a similar
16 statement of the circumstances of violation. Pending hearing as hereinafter provided, upon
17 any charge of violation, the offender shall remain in custody or incarcerated without
18 consideration of bail.

19 2. If the offender is arrested under the authority granted in subsection 1 of this
20 section, the offender shall have the right to a preliminary hearing on the violation charged
21 unless the offender waives such hearing. Upon such arrest and detention, the parole or
22 probation officer shall immediately notify the board and shall submit in writing a report
23 showing in what manner the offender has violated the conditions of his parole or conditional
24 release. The board shall order the offender discharged from such facility, require as a
25 condition of parole or conditional release the placement of the offender in a treatment center
26 operated by the department of corrections, or shall cause the offender to be brought before it
27 for a hearing on the violation charged, under such rules and regulations as the board may
28 adopt. If the violation is established and found, the board may continue or revoke the parole
29 or conditional release, or enter such other order as it may see fit. If no violation is established
30 and found, then the parole or conditional release shall continue. If at any time during release
31 on parole or conditional release the offender is arrested for a crime which later leads to
32 conviction, and sentence is then served outside the Missouri department of corrections, the

33 board shall determine what part, if any, of the time from the date of arrest until completion of
34 the sentence imposed is counted as time served under the sentence from which the offender
35 was paroled or conditionally released.

36 3. An offender for whose return a warrant has been issued by the division shall, if it is
37 found that the warrant cannot be served, be deemed to be a fugitive from justice or to have
38 fled from justice. If it shall appear that the offender has violated the provisions and
39 conditions of his parole or conditional release, the board shall determine whether the time
40 from the issuing date of the warrant to the date of his arrest on the warrant, or continuance on
41 parole or conditional release shall be counted as time served under the sentence. In all other
42 cases, time served on parole or conditional release shall be counted as time served under the
43 sentence.

44 4. At any time during parole or probation, the division may issue a warrant for the
45 arrest of any person from another jurisdiction~~[, the visitation and supervision of whom the~~
46 ~~division has undertaken pursuant to the provisions of the interstate compact for the~~
47 ~~supervision of parolees and probationers authorized in section 217.810,]~~ for violation of any
48 of the conditions of release~~;~~ or a notice to appear to answer a charge of violation. The notice
49 shall be served personally upon the person. The warrant shall authorize any law enforcement
50 officer to return the offender to any suitable detention facility designated by the division. Any
51 parole or probation officer may arrest such person without a warrant, or may deputize any
52 other officer with power of arrest to do so by issuing a written statement setting forth that the
53 defendant has, in the judgment of the parole or probation officer, violated the conditions of
54 his release. The written statement delivered with the person by the arresting officer to the
55 official in charge of the detention facility to which the person is brought shall be sufficient
56 legal authority for detaining him. After making an arrest the parole or probation officer shall
57 present to the detaining authorities a similar statement of the circumstances of violation.

**221.108. 1. Jails shall provide inmates with reasonable access to phone services
2 during an inmate's term of confinement.**

**3 2. No jail or other party shall charge an inmate in a jail a total amount for a
4 domestic phone call, including fees and any per-minute rate, that exceeds the equivalent
5 of:**

**6 (1) Fourteen cents per minute for any jail with an average daily population of
7 one thousand or more inmates; or**

**8 (2) Twenty-one cents per minute for any jail with an average daily population of
9 fewer than one thousand inmates.**

334.104. 1. A physician may enter into collaborative practice arrangements with
2 registered professional nurses. Collaborative practice arrangements shall be in the form of
3 written agreements, jointly agreed-upon protocols, or standing orders for the delivery of

4 health care services. Collaborative practice arrangements, which shall be in writing, may
5 delegate to a registered professional nurse the authority to administer or dispense drugs and
6 provide treatment as long as the delivery of such health care services is within the scope of
7 practice of the registered professional nurse and is consistent with that nurse's skill, training
8 and competence.

9 2. Collaborative practice arrangements, which shall be in writing, may delegate to a
10 registered professional nurse the authority to administer, dispense or prescribe drugs and
11 provide treatment if the registered professional nurse is an advanced practice registered nurse
12 as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may
13 delegate to an advanced practice registered nurse, as defined in section 335.016, the authority
14 to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of
15 section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice
16 arrangement shall not delegate the authority to administer any controlled substances listed in
17 Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of
18 inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures.
19 Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall
20 be limited to a one hundred twenty-hour supply without refill. Such collaborative practice
21 arrangements shall be in the form of written agreements, jointly agreed-upon protocols or
22 standing orders for the delivery of health care services. An advanced practice registered nurse
23 may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving
24 medication-assisted treatment for substance use disorders under the direction of the
25 collaborating physician.

26 3. The written collaborative practice arrangement shall contain at least the following
27 provisions:

28 (1) Complete names, home and business addresses, zip codes, and telephone numbers
29 of the collaborating physician and the advanced practice registered nurse;

30 (2) A list of all other offices or locations besides those listed in subdivision (1) of this
31 subsection where the collaborating physician authorized the advanced practice registered
32 nurse to prescribe;

33 (3) A requirement that there shall be posted at every office where the advanced
34 practice registered nurse is authorized to prescribe, in collaboration with a physician, a
35 prominently displayed disclosure statement informing patients that they may be seen by an
36 advanced practice registered nurse and have the right to see the collaborating physician;

37 (4) All specialty or board certifications of the collaborating physician and all
38 certifications of the advanced practice registered nurse;

39 (5) The manner of collaboration between the collaborating physician and the
40 advanced practice registered nurse, including how the collaborating physician and the
41 advanced practice registered nurse will:

42 (a) Engage in collaborative practice consistent with each professional's skill, training,
43 education, and competence;

44 (b) Maintain geographic proximity, except **as specified in this paragraph. The**
45 **following provisions shall apply with respect to this requirement:**

46 a. **Until August 28, 2025, an advanced practice registered nurse providing**
47 **services in a correctional center, as defined in section 217.010, and his or her**
48 **collaborating physician shall satisfy the geographic proximity requirement if they**
49 **practice within two hundred miles by road of one another;**

50 b. The collaborative practice arrangement may allow for geographic proximity to be
51 waived for a maximum of twenty-eight days per calendar year for rural health clinics as
52 defined by P.L. 95-210 (**42 U.S.C. Section 1395x, as amended**), as long as the collaborative
53 practice arrangement includes alternative plans as required in paragraph (c) of this
54 subdivision. This exception to geographic proximity shall apply only to independent rural
55 health clinics, provider-based rural health clinics where the provider is a critical access
56 hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics
57 where the main location of the hospital sponsor is greater than fifty miles from the clinic[-];
58 **and**

59 c. The collaborating physician is required to maintain documentation related to this
60 requirement and to present it to the state board of registration for the healing arts when
61 requested; and

62 (c) Provide coverage during absence, incapacity, infirmity, or emergency by the
63 collaborating physician;

64 (6) A description of the advanced practice registered nurse's controlled substance
65 prescriptive authority in collaboration with the physician, including a list of the controlled
66 substances the physician authorizes the nurse to prescribe and documentation that it is
67 consistent with each professional's education, knowledge, skill, and competence;

68 (7) A list of all other written practice agreements of the collaborating physician and
69 the advanced practice registered nurse;

70 (8) The duration of the written practice agreement between the collaborating
71 physician and the advanced practice registered nurse;

72 (9) A description of the time and manner of the collaborating physician's review of
73 the advanced practice registered nurse's delivery of health care services. The description shall
74 include provisions that the advanced practice registered nurse shall submit a minimum of ten
75 percent of the charts documenting the advanced practice registered nurse's delivery of health

76 care services to the collaborating physician for review by the collaborating physician, or any
77 other physician designated in the collaborative practice arrangement, every fourteen days; and

78 (10) The collaborating physician, or any other physician designated in the
79 collaborative practice arrangement, shall review every fourteen days a minimum of twenty
80 percent of the charts in which the advanced practice registered nurse prescribes controlled
81 substances. The charts reviewed under this subdivision may be counted in the number of
82 charts required to be reviewed under subdivision (9) of this subsection.

83 4. The state board of registration for the healing arts pursuant to section 334.125 and
84 the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the
85 use of collaborative practice arrangements. Such rules shall be limited to specifying
86 geographic areas to be covered, the methods of treatment that may be covered by
87 collaborative practice arrangements and the requirements for review of services provided
88 pursuant to collaborative practice arrangements including delegating authority to prescribe
89 controlled substances. **Any rules relating to geographic proximity shall allow a**
90 **collaborating physician and a collaborating advanced practice registered nurse to**
91 **practice within two hundred miles by road of one another until August 28, 2025, if the**
92 **nurse is providing services in a correctional center, as defined in section 217.010.** Any
93 rules relating to dispensing or distribution of medications or devices by prescription or
94 prescription drug orders under this section shall be subject to the approval of the state board
95 of pharmacy. Any rules relating to dispensing or distribution of controlled substances by
96 prescription or prescription drug orders under this section shall be subject to the approval of
97 the department of health and senior services and the state board of pharmacy. In order to take
98 effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the
99 state board of registration for the healing arts nor the board of nursing may separately
100 promulgate rules relating to collaborative practice arrangements. Such jointly promulgated
101 rules shall be consistent with guidelines for federally funded clinics. The rulemaking
102 authority granted in this subsection shall not extend to collaborative practice arrangements of
103 hospital employees providing inpatient care within hospitals as defined pursuant to chapter
104 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April
105 30, 2008.

106 5. The state board of registration for the healing arts shall not deny, revoke, suspend
107 or otherwise take disciplinary action against a physician for health care services delegated to a
108 registered professional nurse provided the provisions of this section and the rules
109 promulgated thereunder are satisfied. Upon the written request of a physician subject to a
110 disciplinary action imposed as a result of an agreement between a physician and a registered
111 professional nurse or registered physician assistant, whether written or not, prior to August
112 28, 1993, all records of such disciplinary licensure action and all records pertaining to the

113 filing, investigation or review of an alleged violation of this chapter incurred as a result of
114 such an agreement shall be removed from the records of the state board of registration for the
115 healing arts and the division of professional registration and shall not be disclosed to any
116 public or private entity seeking such information from the board or the division. The state
117 board of registration for the healing arts shall take action to correct reports of alleged
118 violations and disciplinary actions as described in this section which have been submitted to
119 the National Practitioner Data Bank. In subsequent applications or representations relating to
120 his **or her** medical practice, a physician completing forms or documents shall not be required
121 to report any actions of the state board of registration for the healing arts for which the
122 records are subject to removal under this section.

123 6. Within thirty days of any change and on each renewal, the state board of
124 registration for the healing arts shall require every physician to identify whether the physician
125 is engaged in any collaborative practice agreement, including collaborative practice
126 agreements delegating the authority to prescribe controlled substances, or physician
127 assistant agreement and also report to the board the name of each licensed professional
128 with whom the physician has entered into such agreement. The board may make this
129 information available to the public. The board shall track the reported information and may
130 routinely conduct random reviews of such agreements to ensure that agreements are carried
131 out for compliance under this chapter.

132 7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as
133 defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services
134 without a collaborative practice arrangement provided that he or she is under the supervision
135 of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if
136 needed. Nothing in this subsection shall be construed to prohibit or prevent a certified
137 registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into
138 a collaborative practice arrangement under this section, except that the collaborative practice
139 arrangement may not delegate the authority to prescribe any controlled substances listed in
140 Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

141 8. A collaborating physician shall not enter into a collaborative practice arrangement
142 with more than six full-time equivalent advanced practice registered nurses, full-time
143 equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any
144 combination thereof. This limitation shall not apply to collaborative arrangements of hospital
145 employees providing inpatient care service in hospitals as defined in chapter 197 or
146 population-based public health services as defined by 20 CSR 2150-5.100 as of April 30,
147 2008, or to a certified registered nurse anesthetist providing anesthesia services under the
148 supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately
149 available if needed as set out in subsection 7 of this section.

150 9. It is the responsibility of the collaborating physician to determine and document
151 the completion of at least a one-month period of time during which the advanced practice
152 registered nurse shall practice with the collaborating physician continuously present before
153 practicing in a setting where the collaborating physician is not continuously present. This
154 limitation shall not apply to collaborative arrangements of providers of population-based
155 public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

156 10. No agreement made under this section shall supersede current hospital licensing
157 regulations governing hospital medication orders under protocols or standing orders for the
158 purpose of delivering inpatient or emergency care within a hospital as defined in section
159 197.020 if such protocols or standing orders have been approved by the hospital's medical
160 staff and pharmaceutical therapeutics committee.

161 11. No contract or other agreement shall require a physician to act as a collaborating
162 physician for an advanced practice registered nurse against the physician's will. A physician
163 shall have the right to refuse to act as a collaborating physician, without penalty, for a
164 particular advanced practice registered nurse. No contract or other agreement shall limit the
165 collaborating physician's ultimate authority over any protocols or standing orders or in the
166 delegation of the physician's authority to any advanced practice registered nurse, but this
167 requirement shall not authorize a physician in implementing such protocols, standing orders,
168 or delegation to violate applicable standards for safe medical practice established by hospital's
169 medical staff.

170 12. No contract or other agreement shall require any advanced practice registered
171 nurse to serve as a collaborating advanced practice registered nurse for any collaborating
172 physician against the advanced practice registered nurse's will. An advanced practice
173 registered nurse shall have the right to refuse to collaborate, without penalty, with a particular
174 physician.

**506.400. 1. As used in this section, "claimant" means a person convicted and
2 subsequently imprisoned for one or more offenses that such person did not commit.**

3 **2. (1) The claimant shall establish the following by a preponderance of evidence:**

4 **(a) The claimant was convicted of a felony offense and subsequently imprisoned;**

5 **(b) The claimant's judgment of conviction was reversed or vacated and either
6 the charges were dismissed or on retrial the claimant was found to be not guilty;**

7 **(c) The claimant did not commit the offense or offenses for which the claimant
8 was convicted and was not an accessory or accomplice to the acts that were the basis of
9 the conviction and resulted in a reversal or vacation of the judgment of conviction,
10 dismissal of the charges, or finding of not guilty on retrial; and**

11 **(d) The claimant did not commit or suborn perjury, fabricate evidence, or by the
12 claimant's own conduct cause or bring about the conviction. Neither a confession or**

13 admission later found to be false nor a guilty plea shall constitute committing or
14 suborning perjury, fabricating evidence, or causing or bringing about the conviction
15 under this subsection.

16 (2) The court, in exercising its discretion as permitted by law regarding the
17 weight and admissibility of evidence submitted under this section, may, in the interest of
18 justice, give due consideration to difficulties of proof caused by the passage of time, the
19 death or unavailability of witnesses, the destruction of evidence, or other factors not
20 caused by such persons or those acting on their behalf.

21 3. If the court finds that the claimant is wrongfully convicted, it shall enter a
22 certificate of innocence finding that the claimant was innocent of all offenses for which
23 the claimant was mistakenly convicted. The clerk of the court shall send a certified copy
24 of the certificate of innocence and the judgment entry to the attorney general for
25 payment under section 105.711.

26 4. Upon entry of a certificate of innocence, the claimant shall automatically be
27 granted an order of expungement from the court in which he or she pled guilty or was
28 sentenced to expunge from all official records or recordations of his or her arrest, plea,
29 trial, or conviction. Upon granting of the order of expungement, the records and files
30 maintained in any administrative or court proceeding in an associate or circuit division
31 of the court shall be confidential and only available to the parties or by order of the
32 court for good cause shown. The effect of such order shall be to restore such person to
33 the status he or she occupied prior to such arrest, plea, or conviction and as if such event
34 had never taken place. No person as to whom such order has been entered shall be held
35 thereafter under any provision of any law to be guilty of perjury or otherwise giving a
36 false statement by reason of his or her failure to recite or acknowledge such arrest, plea,
37 trial, conviction, or expungement in response to any inquiry made of him or her for any
38 purpose whatsoever, and no such inquiry shall be made for information relating to an
39 expungement under this subsection.

40 5. Upon entry of a certificate of innocence, the court shall order the
41 expungement and destruction of the associated biological samples authorized by and
42 given to the Missouri state highway patrol. The order shall state the information
43 required to be stated in a petition to expunge and destroy the samples and profile record
44 and shall direct the Missouri state highway patrol to expunge and destroy such samples
45 and profile record. The clerk of the court shall send a certified copy of the order to the
46 Missouri state highway patrol, which shall carry out the order and provide confirmation
47 of such action to the court. Nothing in this subsection shall require the Missouri state
48 highway patrol to expunge and destroy any sample or profile record associated with the
49 claimant that must be retained by state statute.

50 **6. The decision to grant or deny a certificate of innocence shall not have a res**
51 **judicata effect on any other proceedings.**

548.241. 1. All necessary and proper expenses accruing under section 548.221, upon
2 being ascertained to the satisfaction of the governor, shall be allowed on his certificate and
3 paid out of the state treasury as other demands against the state.

4 2. All necessary and proper expenses accruing as a result of a person being returned
5 to this state pursuant to the provisions of section 548.243 [~~or 217.810~~] shall be allowed and
6 paid out of the state treasury as if the person were being returned to this state pursuant to
7 section 548.221.

8 **3. Any necessary and proper expenses accruing as a result of a person being**
9 **returned to this state under the provisions of chapter 589 may be paid either out of the**
10 **Missouri interstate compact fund established in chapter 589 or out of the state treasury.**

558.031. 1. A sentence of imprisonment shall commence when a person convicted of
2 an offense in this state is received into the custody of the department of corrections or other
3 place of confinement where the offender is sentenced.

4 2. Such person shall receive credit toward the service of a sentence of imprisonment
5 for all time in prison, jail or custody after [~~conviction~~] **the offense occurred** and before the
6 commencement of the sentence, when the time in custody was related to that offense[~~, and~~].
7 **This credit shall be based upon the certification of the sheriff as provided in subdivision**
8 **(3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a**
9 **sheriff or other custodial officer from another jurisdiction having held the person on the**
10 **charge of the offense for which the sentence of imprisonment is ordered.** The circuit
11 court may, when pronouncing sentence, award **additional** credit for time spent in prison, jail,
12 or custody after the offense occurred and before [~~conviction~~] **the commencement of the**
13 **sentence** toward the service of the sentence of imprisonment **for those offenses for which**
14 **the person was incarcerated but for whom no detainer or warrant was served**, except:

15 (1) Such credit shall only be applied once when sentences are consecutive;
16 (2) Such credit shall only be applied if the person convicted was in custody in the
17 state of Missouri, unless such custody was compelled exclusively by the state of Missouri's
18 action; and

19 (3) As provided in section 559.100.

20 3. The officer required by law to deliver a person convicted of an offense in this state
21 to the department of corrections shall endorse upon the papers required by section 217.305
22 both the dates the offender was in custody and the period of time to be credited toward the
23 service of the sentence of imprisonment, except as endorsed by such officer.

24 4. If a person convicted of an offense escapes from custody, such escape shall
25 interrupt the sentence. The interruption shall continue until such person is returned to the

26 correctional center where the sentence was being served, or in the case of a person committed
27 to the custody of the department of corrections, to any correctional center operated by the
28 department of corrections. An escape shall also interrupt the jail time credit to be applied to a
29 sentence which had not commenced when the escape occurred.

30 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the
31 offender for that offense, all time served under the vacated sentence shall be credited against
32 the new sentence, unless the time has already been credited to another sentence as provided in
33 subsection 1 of this section.

34 6. If a person released from imprisonment on parole or serving a conditional release
35 term violates any of the conditions of his or her parole or release, he or she may be treated as
36 a parole violator. If the parole board revokes the parole or conditional release, the paroled
37 person shall serve the remainder of the prison term and conditional release term, as an
38 additional prison term, and the conditionally released person shall serve the remainder of the
39 conditional release term as a prison term, unless released on parole.

40 7. Subsection 2 of this section shall be applicable to offenses ~~[occurring]~~ **for which**
41 **the offender is sentenced** on or after August 28, ~~[2021]~~ **2023**.

42 **8. The total amount of credit given shall not exceed the number of days between**
43 **the date of offense and commencement of sentence.**

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

8 2. Any credit extended to an offender shall only apply to the sentence which the
9 offender is currently serving, **but any program or activity, as described in subsection 3 of**
10 **this section, that is completed by an offender prior to August 28, 2023, shall apply**
11 **retroactively for good time credit.**

12 3. **(1)** The director of the department of corrections shall issue a policy for awarding
13 credit.

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

17 **(3)** Any **major conduct** violation of institutional rules ~~[or]~~, **violation of** the laws of
18 this state ~~[may]~~, **parole revocation, or the accumulation of minor conduct violations**

19 **exceeding six within a calendar year shall** result in the loss of all ~~or a portion of any~~ prior
20 credit earned by the ~~inmate~~ **offender** pursuant to this section.

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

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

26 **(6) The department shall award credit of sixty days to any qualifying offender**
27 **who successfully:**

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

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

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

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

35 **(7) Each qualifying program or activity successfully completed shall earn sixty**
36 **days of credit.**

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

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

43 ~~4. [The department shall cause the policy to be published in the code of state~~
44 ~~regulations.~~

45 ~~5. No rule or portion of a rule promulgated under the authority of this chapter shall~~
46 ~~become effective unless it has been promulgated pursuant to the provisions of section~~
47 ~~536.024]~~ **Offenders may petition the department to receive credit for programs or**
48 **activities completed prior to August 28, 2023, as specified below:**

49 **(1) Offenders are eligible to submit petitions from January 1, 2024, to December**
50 **31, 2024;**

51 **(2) Offenders must have completed the program or activity after December 31,**
52 **2009; and**

53 **(3) The provisions of this subsection shall apply retroactively to offenses**
54 **committed after December 31, 2009.**

55 **5. No offender committed to the department who is sentenced to death or**
56 **sentenced to life without probation or parole shall be eligible for good time credit under**
57 **this section.**

559.016. 1. Unless terminated as provided in section 559.036 [~~or modified under~~
2 ~~section 217.703~~], the terms during which each probation shall remain conditional and be
3 subject to revocation are:

- 4 (1) A term of years not less than one year and not to exceed five years for a felony;
- 5 (2) A term not less than six months and not to exceed two years for a misdemeanor;
- 6 (3) A term not less than six months and not to exceed one year for an infraction.

7 2. The court shall designate a specific term of probation at the time of sentencing or at
8 the time of suspension of imposition of sentence. [~~Such term may be modified by the division~~
9 ~~of probation and parole under section 217.703.~~]

10 3. The court may extend a period of probation, however, no more than one extension
11 of any probation may be ordered except that the court may extend the total time on probation
12 by one additional year by order of the court if the defendant admits he or she has violated the
13 conditions of his or her probation or is found by the court to have violated the conditions of
14 his or her probation. Total time on any probation term, including any extension, shall not
15 exceed the maximum term as established in subsection 1 of this section plus one additional
16 year if the defendant admits or the court finds that the defendant has violated the conditions of
17 his or her probation.

559.036. 1. A term of probation commences on the day it is imposed. Multiple terms
2 of Missouri probation, whether imposed at the same time or at different times, shall run
3 concurrently. Terms of probation shall also run concurrently with any federal or other state
4 jail, prison, probation or parole term for another offense to which the defendant is or becomes
5 subject during the period.

6 2. (1) The court may terminate a period of probation and discharge the defendant at
7 any time before completion of the specific term fixed under section 559.016 if warranted by
8 the conduct of the defendant and the ends of justice. The court may extend the term of the
9 probation, but no more than one extension of any probation may be ordered except that the
10 court may extend the term of probation by one additional year by order of the court if the
11 defendant admits he or she has violated the conditions of probation or is found by the court to
12 have violated the conditions of his or her probation. Total time on any probation term,
13 including any extension shall not exceed the maximum term established in section 559.016.
14 Total time on any probation term shall not include time when the probation term is suspended
15 under this section. Procedures for termination, discharge and extension may be established
16 by rule of court.

17 **(2) The division of probation and parole shall file a notification of earned**
18 **discharge from probation with the court for any defendant who has completed at least**
19 **twenty-four months of the probation term and is compliant as determined by the**
20 **policies of the division of probation and parole with the terms of supervision as ordered**
21 **by the court and division. The division shall not file a notification of earned discharge**
22 **for any defendant who has not paid ordered restitution in full, is on a term of probation**
23 **for any class A or class B felony, or is subject to lifetime supervision under sections**
24 **217.735 and 559.106. The division shall notify the prosecuting or circuit attorney when**
25 **a notification of earned discharge is filed.**

26 **(3) The prosecuting or circuit attorney may request a hearing within thirty days**
27 **of the filing of the notification of earned discharge from probation. If the state opposes**
28 **the discharge of the defendant, the prosecuting or circuit attorney shall argue the**
29 **earned discharge is not appropriate and the offender should continue to serve the**
30 **probation term.**

31 **(4) If a hearing is requested, the court shall hold the hearing and issue its order**
32 **no later than sixty days after the filing of the notification of earned discharge from**
33 **probation. If, after a hearing, the court finds by a preponderance of the evidence that**
34 **the earned discharge is not appropriate, the court shall order the probation term**
35 **continue, may modify the conditions of probation as appropriate, and may order the**
36 **continued supervision of the defendant by either the division of probation and parole or**
37 **the court. If, after a hearing, the court finds that the earned discharge is appropriate,**
38 **the court shall order the defendant discharged from probation.**

39 **(5) If the prosecuting or circuit attorney does not request a hearing, and the**
40 **court does not otherwise order a hearing, the court shall order the defendant discharged**
41 **from probation within sixty days of the filing of the notification of earned discharge**
42 **from probation but no earlier than thirty days from the filing of notification of earned**
43 **discharge from probation.**

44 3. If the defendant violates a condition of probation at any time prior to the expiration
45 or termination of the probation term, the court may continue him or her on the existing
46 conditions, with or without modifying or enlarging the conditions or extending the term.

47 4. (1) Unless the defendant consents to the revocation of probation, if a continuation,
48 modification, enlargement or extension is not appropriate under this section, the court shall
49 order placement of the offender in a department of corrections' one hundred twenty-day
50 program so long as:

51 (a) The underlying offense for the probation is a class D or E felony or an offense
52 listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may,
53 upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an

54 offender is not eligible if the underlying offense is involuntary manslaughter in the second
55 degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the
56 second degree, domestic assault in the second degree, assault in the third degree when the
57 victim is a special victim, statutory rape in the second degree, statutory sodomy in the second
58 degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a
59 child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2)
60 of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which
61 the defendant is found guilty of a felony offense under chapter 571, or an offense of
62 aggravated stalking or assault of a law enforcement officer in the second degree as such
63 offenses existed prior to January 1, 2017;

64 (b) The probation violation is not the result of the defendant being an absconder or
65 being found guilty of, pleading guilty to, or being arrested on suspicion of any felony,
66 misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an
67 offender under supervision who has left such offender's place of residency without the
68 permission of the offender's supervising officer for the purpose of avoiding supervision;

69 (c) The defendant has not violated any conditions of probation involving the
70 possession or use of weapons, or a stay-away condition prohibiting the defendant from
71 contacting a certain individual; and

72 (d) The defendant has not already been placed in one of the programs by the court for
73 the same underlying offense or during the same probation term.

74 (2) Upon receiving the order, the department of corrections shall conduct an
75 assessment of the offender and place such offender in either the one hundred twenty-day
76 structured cognitive behavioral intervention program or the one hundred twenty-day
77 institutional treatment program. The placement of the offender in the structured cognitive
78 behavioral intervention program or institutional treatment program shall be at the sole
79 discretion of the department based on the assessment of the offender. The program shall
80 begin upon receipt of the offender by the department. The time between the court's order and
81 receipt of the offender by the department shall not apply toward the program.

82 (3) Upon successful completion of a program under this subsection, as determined by
83 the department, the division of probation and parole shall advise the sentencing court of the
84 defendant's probationary release date thirty days prior to release. Once the defendant has
85 successfully completed a program under this subsection, the court shall release the defendant
86 to continue to serve the term of probation, which shall not be modified, enlarged, or extended
87 based on the same incident of violation.

88 (4) If the department determines the defendant has not successfully completed a one
89 hundred twenty-day program under this section, the division of probation and parole shall
90 advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful

91 program exit and the defendant shall be removed from the program. The defendant shall be
92 released from the department within fifteen working days after the court is notified of the
93 unsuccessful program exit, unless the court has issued a warrant in response to the
94 unsuccessful program exit to facilitate the return of the defendant to the county of jurisdiction
95 for further court proceedings. If a defendant is discharged as unsuccessful from a one
96 hundred twenty-day program, the sentencing court may modify, enlarge, or revoke the
97 defendant's probation based on the same incident of the violation.

98 (5) Time served in the program shall be credited as time served on any sentence
99 imposed for the underlying offense.

100 5. If the defendant consents to the revocation of probation or if the defendant is not
101 eligible under subsection 4 of this section for placement in a program and a continuation,
102 modification, enlargement, or extension of the term under this section is not appropriate, the
103 court may revoke probation and order that any sentence previously imposed be executed. If
104 imposition of sentence was suspended, the court may revoke probation and impose any
105 sentence available under section 557.011. The court may mitigate any sentence of
106 imprisonment by reducing the prison or jail term by all or part of the time the defendant was
107 on probation. The court may, upon revocation of probation, place an offender on a second
108 term of probation. Such probation shall be for a term of probation as provided by section
109 559.016, notwithstanding any amount of time served by the offender on the first term of
110 probation.

111 6. Probation shall not be revoked without giving the probationer notice and an
112 opportunity to be heard on the issues of whether such probationer violated a condition of
113 probation and, if a condition was violated, whether revocation is warranted under all the
114 circumstances. Not less than five business days prior to the date set for a hearing on the
115 violation, except for a good cause shown, the judge shall inform the probationer that he or she
116 may have the right to request the appointment of counsel if the probationer is unable to retain
117 counsel. If the probationer requests counsel, the judge shall determine whether counsel is
118 necessary to protect the probationer's due process rights. If the judge determines that counsel
119 is not necessary, the judge shall state the grounds for the decision in the record.

120 7. The prosecuting or circuit attorney may file a motion to revoke probation or at any
121 time during the term of probation, the court may issue a notice to the probationer to appear to
122 answer a charge of a violation, and the court may issue a warrant of arrest for the violation.
123 Such notice shall be personally served upon the probationer. The warrant shall authorize the
124 return of the probationer to the custody of the court or to any suitable detention facility
125 designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on
126 the court's own motion, the court may immediately enter an order suspending the period of
127 probation and may order a warrant for the defendant's arrest. The probation shall remain

128 suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the
129 court otherwise orders the probation reinstated. Notwithstanding any other provision of the
130 law to the contrary, the probation term shall be tolled during the time period when the
131 probation is suspended under this section. The court may grant the probationer credit on the
132 probation term for any of the tolled period when reinstating the probation term.

133 8. The power of the court to revoke probation shall extend for the duration of the term
134 of probation designated by the court and for any further period which is reasonably necessary
135 for the adjudication of matters arising before its expiration, provided that some affirmative
136 manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the
137 period and that every reasonable effort is made to notify the probationer and to conduct the
138 hearing prior to the expiration of the period. If the delay of the hearing is attributable to the
139 probationer's actions or the probationer otherwise consents or acquiesces to the delay, the
140 court shall have been found to have made every reasonable effort to conduct the hearing
141 within the probation term.

142 9. A defendant who was sentenced prior to January 1, 2017 to an offense that was
143 eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this
144 section for the court ordered detention sanction shall continue to remain eligible for the
145 sanction so long as the defendant meets all the other requirements provided under subsection
146 4 of this section.

**589.564. 1. Upon a petition from the state, a circuit court is authorized to add
2 any condition to a term of probation for an offender supervised in this state for a term
3 of probation ordered by another state, including shock incarceration; however, the
4 court shall not reduce, extend, or revoke such a term of probation. The circuit court for
5 the jurisdiction in which a probationer is under supervision shall serve as the
6 authorizing court for the purposes of this section. The prosecuting attorney or circuit
7 attorney for the jurisdiction in which a probationer is under supervision shall serve as
8 the authorized person to petition the court to add a condition of probation.
9 Notwithstanding any provision of section 549.500 or 559.125, the division of
10 probation and parole may submit violation reports to the prosecuting attorney or
11 circuit attorney with authority to petition the court to add a condition to a term of
12 probation under this section.**

**13 2. If supervision of a parolee in Missouri is administered pursuant to this
14 compact, the division of probation and parole shall have the authority to impose a
15 sanction or additional conditions in response to written violations of supervision;
16 however, the division of probation and parole shall not reduce, extend, or revoke such a
17 term of parole.**

589.565. A Missouri probationer or parolee seeking transfer of their supervision through this compact shall pay a fee in the amount of one hundred seventy-five dollars for each transfer application submitted. The transfer application fee shall be paid to the compact commissioner upon submission of the transfer application. The commissioner or commissioner's designee may waive the application fee if either the commissioner or the commissioner's designee finds that payment of the fee would constitute an undue economic burden on the offender. All fees collected pursuant to this section shall be paid and deposited to the credit of the "Missouri Interstate Compact Fund", which is hereby established in the state treasury. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used for the sole benefit of the department of corrections in support of administration of this section; expenses related to assessment, retaking, staff development, and training; and implementation of evidence-based practices in support of offenders under supervision. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

Section 1. 1. For purposes of this section, the term "exoneree" means a person who was convicted of an offense and later officially declared innocent of that offense or relieved of all legal consequences of the conviction because evidence of innocence that was not presented at trial required reconsideration of the case.

2. The department of corrections shall develop a policy and procedures outlining for exonerees how to obtain a birth certificate, Social Security card, and state identification prior to release from a correctional center. The policy shall be made available to all exonerees, regardless of the method by which an exoneree was exonerated. If an exoneree does not have access to his or her birth certificate, Social Security card, or state identification upon release, the department shall assist such exoneree in obtaining the documents prior to release.

3. The department shall be required to provide an exoneree, upon his or her release from a correctional facility, with the same services the department is required to provide an offender upon release from a correctional facility.

~~2 [217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:~~

3 (1) ~~Not subject to lifetime supervision under sections 217.735 and~~
4 ~~559.106 or otherwise found to be ineligible to earn credits by a court pursuant~~
5 ~~to subsection 2 of this section;~~

6 (2) ~~On probation, parole, or conditional release for an offense listed in~~
7 ~~chapter 579, or an offense previously listed in chapter 195, or for a class D or~~
8 ~~E felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083,~~
9 ~~566.093, 568.020, 568.060, offenses defined as sexual assault under section~~
10 ~~589.015, deviate sexual assault, assault in the second degree under subdivision~~
11 ~~(2) of subsection 1 of section 565.052, endangering the welfare of a child in~~
12 ~~the first degree under subdivision (2) of subsection 1 of section 568.045, and~~
13 ~~any offense of aggravated stalking or assault in the second degree under~~
14 ~~subdivision (2) of subsection 1 of section 565.060 as such offenses existed~~
15 ~~prior to January 1, 2017;~~

16 (3) ~~Supervised by the division of probation and parole; and~~

17 (4) ~~In compliance with the conditions of supervision imposed by the~~
18 ~~sentencing court or board.~~

19 2. ~~If an offender was placed on probation, parole, or conditional~~
20 ~~release for an offense of:~~

21 (1) ~~Involuntary manslaughter in the second degree;~~

22 (2) ~~Assault in the second degree except under subdivision (2) of~~
23 ~~subsection 1 of section 565.052 or section 565.060 as it existed prior to~~
24 ~~January 1, 2017;~~

25 (3) ~~Domestic assault in the second degree;~~

26 (4) ~~Assault in the third degree when the victim is a special victim or~~
27 ~~assault of a law enforcement officer in the second degree as it existed prior to~~
28 ~~January 1, 2017;~~

29 (5) ~~Statutory rape in the second degree;~~

30 (6) ~~Statutory sodomy in the second degree;~~

31 (7) ~~Endangering the welfare of a child in the first degree under~~
32 ~~subdivision (1) of subsection 1 of section 568.045; or~~

33 (8) ~~Any case in which the defendant is found guilty of a felony offense~~
34 ~~under chapter 571;~~

35
36 the sentencing court may, upon its own motion or a motion of the prosecuting
37 or circuit attorney, make a finding that the offender is ineligible to earn
38 compliance credits because the nature and circumstances of the offense or the
39 history and character of the offender indicate that a longer term of probation,
40 parole, or conditional release is necessary for the protection of the public or the
41 guidance of the offender. The motion may be made any time prior to the first
42 month in which the person may earn compliance credits under this section or
43 at a hearing under subsection 5 of this section. The offender's ability to earn
44 credits shall be suspended until the court or board makes its finding. If the
45 court or board finds that the offender is eligible for earned compliance credits,
46 the credits shall begin to accrue on the first day of the next calendar month
47 following the issuance of the decision.

48 3. ~~Earned compliance credits shall reduce the term of probation,~~
49 ~~parole, or conditional release by thirty days for each full calendar month of~~
50 ~~compliance with the terms of supervision. Credits shall begin to accrue for~~

51 ~~eligible offenders after the first full calendar month of supervision or on~~
52 ~~October 1, 2012, if the offender began a term of probation, parole, or~~
53 ~~conditional release before September 1, 2012.~~

54 4. ~~For the purposes of this section, the term "compliance" shall mean~~
55 ~~the absence of an initial violation report or notice of citation submitted by a~~
56 ~~probation or parole officer during a calendar month, or a motion to revoke or~~
57 ~~motion to suspend filed by a prosecuting or circuit attorney, against the~~
58 ~~offender.~~

59 5. ~~Credits shall not accrue during any calendar month in which a~~
60 ~~violation report, which may include a report of absconder status, has been~~
61 ~~submitted, the offender is in custody, or a motion to revoke or motion to~~
62 ~~suspend has been filed, and shall be suspended pending the outcome of a~~
63 ~~hearing, if a hearing is held. If no hearing is held, or if a hearing is held and~~
64 ~~the offender is continued under supervision, or the court or board finds that the~~
65 ~~violation did not occur, then the offender shall be deemed to be in compliance~~
66 ~~and shall begin earning credits on the first day of the next calendar month~~
67 ~~following the month in which the report was submitted or the motion was~~
68 ~~filed. If a hearing is held, all earned credits shall be rescinded if:~~

69 (1) ~~The court or board revokes the probation or parole or the court~~
70 ~~places the offender in a department program under subsection 4 of section~~
71 ~~559.036; or~~

72 (2) ~~The offender is found by the court or board to be ineligible to earn~~
73 ~~compliance credits because the nature and circumstances of the violation~~
74 ~~indicate that a longer term of probation, parole, or conditional release is~~
75 ~~necessary for the protection of the public or the guidance of the offender.~~

76
77 ~~Earned credits, if not rescinded, shall continue to be suspended for a period of~~
78 ~~time during which the court or board has suspended the term of probation,~~
79 ~~parole, or release, and shall begin to accrue on the first day of the next calendar~~
80 ~~month following the lifting of the suspension.~~

81 6. ~~Offenders who are deemed by the division to be absconders shall~~
82 ~~not earn credits. For purposes of this subsection, "absconder" shall mean an~~
83 ~~offender under supervision whose whereabouts are unknown and who has left~~
84 ~~such offender's place of residency without the permission of the offender's~~
85 ~~supervising officer and without notifying of their whereabouts for the purpose~~
86 ~~of avoiding supervision. An offender shall no longer be deemed an absconder~~
87 ~~when such offender is available for active supervision.~~

88 7. ~~Notwithstanding subsection 2 of section 217.730 to the contrary,~~
89 ~~once the combination of time served in custody, if applicable, time served on~~
90 ~~probation, parole, or conditional release, and earned compliance credits satisfy~~
91 ~~the total term of probation, parole, or conditional release, the board or~~
92 ~~sentencing court shall order final discharge of the offender, so long as the~~
93 ~~offender has completed restitution and at least two years of his or her~~
94 ~~probation, parole, or conditional release, which shall include any time served~~
95 ~~in custody under section 217.718 and sections 559.036 and 559.115.~~

96 8. ~~The award or rescission of any credits earned under this section~~
97 ~~shall not be subject to appeal or any motion for postconviction relief.~~

98 ~~9. At least twice a year, the division shall calculate the number of~~
99 ~~months the offender has remaining on his or her term of probation, parole, or~~
100 ~~conditional release, taking into consideration any earned compliance credits,~~
101 ~~and notify the offender of the length of the remaining term.~~

102 ~~10. No less than sixty days before the date of final discharge, the~~
103 ~~division shall notify the sentencing court, the board, and, for probation cases,~~
104 ~~the circuit or prosecuting attorney of the impending discharge. If the~~
105 ~~sentencing court, the board, or the circuit or prosecuting attorney upon~~
106 ~~receiving such notice does not take any action under subsection 5 of this~~
107 ~~section, the offender shall be discharged under subsection 7 of this section.~~

108 ~~11. Any offender who was sentenced prior to January 1, 2017, to an~~
109 ~~offense that was eligible for earned compliance credits under subsection 1 or 2~~
110 ~~of this section at the time of sentencing shall continue to remain eligible for~~
111 ~~earned compliance credits so long as the offender meets all the other~~
112 ~~requirements provided under this section.~~

113 ~~12. The application of earned compliance credits shall be suspended~~
114 ~~upon entry into a treatment court, as described in sections 478.001 to 478.009,~~
115 ~~and shall remain suspended until the offender is discharged from such~~
116 ~~treatment court. Upon successful completion of treatment court, all earned~~
117 ~~compliance credits accumulated during the suspension period shall be~~
118 ~~retroactively applied, so long as the other terms and conditions of probation~~
119 ~~have been successfully completed.]~~

2 ~~[217.785. 1. As used in this section, the term "Missouri~~
3 ~~postconviction drug treatment program" means a program of noninstitutional~~
4 ~~and institutional correctional programs for the monitoring, control and~~
5 ~~treatment of certain drug abuse offenders.~~

6 ~~2. The department of corrections shall establish by regulation the~~
7 ~~"Missouri Postconviction Drug Treatment Program". The program shall~~
8 ~~include noninstitutional and institutional placement. The institutional phase of~~
9 ~~the program may include any offender under the supervision and control of the~~
10 ~~department of corrections. The department shall establish rules determining~~
11 ~~how, when and where an offender shall be admitted into or removed from the~~
12 ~~program.~~

13 ~~3. Any first time offender who has been found guilty of violating the~~
14 ~~provisions of chapter 195 or 579, or whose controlled substance abuse was a~~
15 ~~precipitating or contributing factor in the commission of his offense, and who~~
16 ~~is placed on probation may be required to participate in the noninstitutional~~
17 ~~phase of the program, which may include education, treatment and~~
18 ~~rehabilitation programs. Persons required to attend a program pursuant to~~
19 ~~this section may be charged a reasonable fee to cover the costs of the program.~~
20 ~~Failure of an offender to complete successfully the noninstitutional phase of~~
21 ~~the program shall be sufficient cause for the offender to be remanded to the~~
22 ~~sentencing court for assignment to the institutional phase of the program or~~
23 ~~any other authorized disposition.~~

24 ~~4. A probationer shall be eligible for assignment to the institutional~~
25 ~~phase of the postconviction drug treatment program if he has failed to~~
~~complete successfully the noninstitutional phase of the program. If space is~~

26 available, the sentencing court may assign the offender to the institutional
27 phase of the program as a special condition of probation, without the necessity
28 of formal revocation of probation.

29 5. The availability of space in the institutional program shall be
30 determined by the department of corrections. If the sentencing court is advised
31 that there is no space available, then the court shall consider other authorized
32 dispositions.

33 6. Any time after ninety days and prior to one hundred twenty days
34 after assignment of the offender to the institutional phase of the program, the
35 department shall submit to the court a report outlining the performance of the
36 offender in the program. If the department determines that the offender will
37 not participate or has failed to complete the program, the department shall
38 advise the sentencing court, who shall cause the offender to be brought before
39 the court for consideration of revocation of the probation or other authorized
40 disposition. If the offender successfully completes the program, the
41 department shall release the individual to the appropriate probation and
42 parole district office and so advise the court.

43 7. Time spent in the institutional phase of the program shall count as
44 time served on the sentence.]

2 [217.810. 1. The governor is hereby authorized and directed to enter
3 into the interstate compact for the supervision of parolees and probationers on
4 behalf of the state of Missouri with the commonwealth of Puerto Rico, the
5 Virgin Islands, the District of Columbia and any and all other states of the
6 United States legally joining therein and pursuant to the provisions of an act of
7 the Congress of the United States of America granting the consent of Congress
8 to the commonwealth of Puerto Rico, the Virgin Islands, the District of
9 Columbia and any two or more states to enter into agreements or compacts for
10 cooperative effort and mutual assistance in the prevention of crime and for
11 other purposes, which compact shall have as its objective the permitting of
12 persons placed on probation or released on parole to reside in any other state
13 signatory to the compact assuming the duties of visitation and supervision over
14 such probationers and parolees; permitting the extradition and transportation
15 without interference of prisoners, being retaken, through any and all states
16 signatory to the compact under such terms, conditions, rules and regulations,
17 and for such duration as in the opinion of the governor of this state shall be
18 necessary and proper and in a form substantially as contained in subsection 2
19 of this section. The chairman of the board shall administer the compact for the
20 state.

21 2. ~~INTERSTATE COMPACT FOR THE SUPERVISION OF~~
22 ~~PAROLEES AND PROBATIONERS~~

23 This compact shall be entered into by and among the contracting states,
24 signatories hereto, with the consent of the Congress of the United States of
25 America, granted by an act entitled "An act granting the consent of Congress
26 to any two or more states to enter into agreements or compacts for cooperative
27 effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

28 ~~(1) That it shall be competent for the duly constituted judicial and~~
29 ~~administrative authorities of a state party to this compact (herein called~~
30 ~~"sending state") to permit any person convicted of an offense within such state~~
31 ~~and placed on probation or released on parole to reside in any other state party~~
32 ~~to this compact (herein called "receiving state"), while on probation or parole,~~
33 ~~if~~

34 ~~(a) Such a person is in fact a resident of or has his family residing~~
35 ~~within the receiving state and can obtain employment there;~~

36 ~~(b) Though not a resident of the receiving state and not having his~~
37 ~~family residing there, the receiving state consents to such person being sent~~
38 ~~there.~~

39 ~~Before granting such permission, opportunity shall be granted to the~~
40 ~~receiving state to investigate the home and prospective employment of such~~
41 ~~person.~~

42 ~~A resident of the receiving state, within the meaning of this section, is~~
43 ~~one who has been an actual inhabitant of such state continuously for more than~~
44 ~~one year prior to his coming to the sending state and has not resided within the~~
45 ~~sending state more than six continuous months immediately preceding the~~
46 ~~commission of the offense for which he has been convicted.~~

47 ~~(2) The receiving state shall assume the duties of visitation and~~
48 ~~supervision over probationers or parolees of any sending state transferred~~
49 ~~under the compact and will apply the same standards of supervision that~~
50 ~~prevail for its own probationers and parolees.~~

51 ~~(3) That duly accredited officers of a sending state may at all times~~
52 ~~enter a receiving state and there apprehend and retake any person on probation~~
53 ~~or parole. For that purpose no formalities will be required other than~~
54 ~~establishing the authority of the officer and the identity of the person to be~~
55 ~~retaken. All legal requirements to obtain extradition of fugitives from justice~~
56 ~~are hereby expressly waived on the part of states party hereto, as to such~~
57 ~~persons. The decision of the sending state to retake a person on probation or~~
58 ~~parole shall be conclusive upon and not reviewable within the receiving state.~~
59 ~~Provided, however, that if at the time when a state seeks to retake a~~
60 ~~probationer or parolee there should be pending against him within the~~
61 ~~receiving state any criminal charge, or he should be suspected of having~~
62 ~~committed within such state a criminal offense, he shall not be retaken without~~
63 ~~the consent of the receiving state until discharged from prosecution or from~~
64 ~~imprisonment for such offense.~~

65 ~~(4) That the duly accredited officers of the sending state will be~~
66 ~~permitted to transport prisoners being retaken through any and all states parties~~
67 ~~to this compact, without interference.~~

68 ~~(5) Each state may designate an officer who, acting jointly with like~~
69 ~~officers of other contracting states shall promulgate such rules and regulations~~
70 ~~as may be deemed necessary to more effectively carry out the terms of this~~
71 ~~compact.~~

72 ~~(6) That this compact shall become operative immediately upon its~~
73 ~~execution by any state as between it and any other state or states so executing.~~
74 ~~When executed it shall have the full force and effect of law within such state,~~
75 ~~the form of execution to be in accordance with the laws of the executing state.~~

76 ~~(7) That this compact shall continue in force and remain binding upon~~
77 ~~each executing state until renounced by it. The duties and obligations~~
78 ~~hereunder of a renouncing state shall continue as to parolees or probationers~~
79 ~~residing therein at the time of withdrawal until retaken or finally discharged by~~
80 ~~the sending state. Renunciation of this compact shall be by the same authority~~
81 ~~which executed it, by sending six months' notice in writing of its intention to~~
82 ~~withdraw from the compact to the other states party hereto.~~

83 ~~3. If any section, sentence, subdivision or clause within subsection 2 of~~
84 ~~this section is for any reason held invalid or to be unconstitutional, such~~
85 ~~decision shall not affect the validity of the remaining provisions of that~~
86 ~~subsection or this section.~~

87 ~~4. All necessary and proper expenses accruing as a result of a person~~
88 ~~being returned to this state by order of a court or the parole board shall be paid~~
89 ~~by the state as provided in section 548.241 or 548.243.]~~

✓