

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 196

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HENDERSON.

1019H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.035, 217.147, 217.650, 217.670, 217.703, 217.710, 217.720, 217.785, 217.810, 548.241, 559.016, 559.036, 559.125, and 595.209, RSMo, and to enact in lieu thereof thirteen new sections relating to the department of corrections.

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217.670, 217.703, 217.710, 217.720, 217.785, 217.810, 548.241, 559.016, 559.036, 559.125, and 595.209, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 217.035, 217.147, 217.650, 217.670, 217.710, 217.720, 548.241, 559.016, 559.036, 559.125, 589.564, 589.565, and 595.209, 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 official business, vacation, illness or incapacity. The deputy director shall serve as acting director no longer than six months; however, after the deputy director has acted as director 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.

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.

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

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

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

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

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

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

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

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

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

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

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

12 3. The orders of the board shall not be reviewable except as to compliance with the
13 terms of sections 217.650 to ~~[217.810]~~ **217.805** or any rules promulgated pursuant to such
14 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.

217.710. 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.

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.**

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.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the
3 court complete and full records of all presentence investigations requested, probations or
4 paroles granted, revoked or terminated and all discharges from probations or paroles. All
5 court orders relating to any presentence investigation requested and probation or parole
6 granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in
7 a like manner, and, if the defendant subject to any such order is subject to an investigation or
8 is under the supervision of the division of probation and parole, a copy of the order shall be
9 sent to the division of probation and parole. In any county where a parole board ceases to
10 exist, the clerk of the court shall preserve the records of that parole board.

11 2. ~~Information and data obtained by a probation or parole officer shall be privileged~~
12 ~~information and shall not be receivable in any court.] Information and data obtained by a~~
13 **probation or parole officer is privileged information not receivable in any court unless**
14 **for lawful criminal matters.** Such information shall not be disclosed directly or indirectly to
15 anyone other than the members of a parole board and the judge entitled to receive reports,
16 except the court, the division of probation and parole, or the parole board may in its discretion
17 permit the inspection of the report, or parts of such report, by the defendant, or offender or his
18 or her attorney, or other person having a proper interest therein.

19 3. The provisions of subsection 2 of this section notwithstanding, the presentence
20 investigation report shall be made available to the state and all information and data obtained
21 in connection with preparation of the presentence investigation report may be made available
22 to the state at the discretion of the court upon a showing that the receipt of the information
23 and data is in the best interest of the state.

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

595.209. 1. The following rights shall automatically be afforded to victims of
2 dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as
3 defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023,

4 victims of any offense under chapter 566, victims of an attempt to commit one of the
5 preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in
6 sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded
7 to victims of all other crimes and witnesses of crimes:

8 (1) For victims, the right to be present at all criminal justice proceedings at which the
9 defendant has such right, including juvenile proceedings where the offense would have been a
10 felony if committed by an adult, even if the victim is called to testify or may be called to
11 testify as a witness in the case;

12 (2) For victims, the right to information about the crime, as provided for in
13 subdivision (5) of this subsection;

14 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's
15 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the
16 final disposition of the case. Final disposition information shall be provided within five days;

17 (4) For victims, the right to confer with and to be informed by the prosecutor
18 regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings,
19 sentencing and probation revocation hearings and the right to be heard at such hearings,
20 including juvenile proceedings, unless in the determination of the court the interests of justice
21 require otherwise;

22 (5) The right to be informed by local law enforcement agencies, the appropriate
23 juvenile authorities or the custodial authority of the following:

24 (a) The status of any case concerning a crime against the victim, including juvenile
25 offenses;

26 (b) The right to be informed by local law enforcement agencies or the appropriate
27 juvenile authorities of the availability of victim compensation assistance, assistance in
28 obtaining documentation of the victim's losses, including, but not limited to and subject to
29 existing law concerning protected information or closed records, access to copies of
30 complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other
31 similar accidents upon request to the appropriate law enforcement agency by the victim or the
32 victim's representative, and emergency crisis intervention services available in the
33 community;

34 (c) Any release of such person on bond or for any other reason;

35 (d) Within twenty-four hours, any escape by such person from a municipal detention
36 facility, county jail, a correctional facility operated by the department of corrections, mental
37 health facility, or the division of youth services or any agency thereof, and any subsequent
38 recapture of such person;

39 (6) For victims, the right to be informed by appropriate juvenile authorities of
40 probation revocation hearings initiated by the juvenile authority and the right to be heard at

41 such hearings or to offer a written statement, video or audio tape, counsel or a representative
42 designated by the victim in lieu of a personal appearance, the right to be informed by the
43 board of probation and parole of probation revocation hearings initiated by the board and of
44 parole hearings, the right to be present at each and every phase of parole hearings, the right to
45 be heard at probation revocation and parole hearings or to offer a written statement, video or
46 audio tape, counsel or a representative designated by the victim in lieu of a personal
47 appearance, and the right to have, upon written request of the victim, a partition set up in the
48 probation or parole hearing room in such a way that the victim is shielded from the view of
49 the probationer or parolee, and the right to be informed by the custodial mental health facility
50 or agency thereof of any hearings for the release of a person committed pursuant to the
51 provisions of chapter 552, the right to be present at such hearings, the right to be heard at such
52 hearings or to offer a written statement, video or audio tape, counsel or a representative
53 designated by the victim in lieu of personal appearance;

54 (7) For victims and witnesses, upon their written request, the right to be informed by
55 the appropriate custodial authority, including any municipal detention facility, juvenile
56 detention facility, county jail, correctional facility operated by the department of corrections,
57 mental health facility, division of youth services or agency thereof if the offense would have
58 been a felony if committed by an adult, postconviction or commitment pursuant to the
59 provisions of chapter 552 of the following:

60 (a) The projected date of such person's release from confinement;

61 (b) Any release of such person on bond;

62 (c) Any release of such person on furlough, work release, trial release, electronic
63 monitoring program, or to a community correctional facility or program or release for any
64 other reason, in advance of such release;

65 (d) Any scheduled parole or release hearings, including hearings under section
66 217.362, regarding such person and any changes in the scheduling of such hearings. No such
67 hearing shall be conducted without thirty days' advance notice;

68 (e) Within twenty-four hours, any escape by such person from a municipal detention
69 facility, county jail, a correctional facility operated by the department of corrections, mental
70 health facility, or the division of youth services or any agency thereof, and any subsequent
71 recapture of such person;

72 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit
73 court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court
74 presiding over releases under section 217.362, to release such person or any decision by the
75 governor to commute the sentence of such person or pardon such person;

76 (g) Notification within thirty days of the death of such person;

77 (8) For witnesses who have been summoned by the prosecuting attorney and for
78 victims, to be notified by the prosecuting attorney in a timely manner when a court
79 proceeding will not go on as scheduled;

80 (9) For victims and witnesses, the right to reasonable protection from the defendant or
81 any person acting on behalf of the defendant from harm and threats of harm arising out of
82 their cooperation with law enforcement and prosecution efforts;

83 (10) For victims and witnesses, on charged cases or submitted cases where no charge
84 decision has yet been made, to be informed by the prosecuting attorney of the status of the
85 case and of the availability of victim compensation assistance and of financial assistance and
86 emergency and crisis intervention services available within the community and information
87 relative to applying for such assistance or services, and of any final decision by the
88 prosecuting attorney not to file charges;

89 (11) For victims, to be informed by the prosecuting attorney of the right to restitution
90 which shall be enforceable in the same manner as any other cause of action as otherwise
91 provided by law;

92 (12) For victims and witnesses, to be informed by the court and the prosecuting
93 attorney of procedures to be followed in order to apply for and receive any witness fee to
94 which they are entitled;

95 (13) When a victim's property is no longer needed for evidentiary reasons or needs to
96 be retained pending an appeal, the prosecuting attorney or any law enforcement agency
97 having possession of the property shall, upon request of the victim, return such property to the
98 victim within five working days unless the property is contraband or subject to forfeiture
99 proceedings, or provide written explanation of the reason why such property shall not be
100 returned;

101 (14) An employer may not discharge or discipline any witness, victim or member of a
102 victim's immediate family for honoring a subpoena to testify in a criminal proceeding,
103 attending a criminal proceeding, or for participating in the preparation of a criminal
104 proceeding, or require any witness, victim, or member of a victim's immediate family to use
105 vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal
106 proceeding, attending a criminal proceeding, or participating in the preparation of a criminal
107 proceeding;

108 (15) For victims, to be provided with creditor intercession services by the prosecuting
109 attorney if the victim is unable, as a result of the crime, temporarily to meet financial
110 obligations;

111 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
112 victims, the right to speedy appellate review of their cases, provided that nothing in this
113 subdivision shall prevent the defendant from having sufficient time to prepare such

114 defendant's defense. The attorney general shall provide victims, upon their written request,
115 case status information throughout the appellate process of their cases. The provisions of this
116 subdivision shall apply only to proceedings involving the particular case to which the person
117 is a victim or witness;

118 (17) For victims and witnesses, to be provided by the court, a secure waiting area
119 during court proceedings and to receive notification of the date, time and location of any
120 hearing conducted by the court for reconsideration of any sentence imposed, modification of
121 such sentence or recall and release of any defendant from incarceration;

122 (18) For victims, the right to receive upon request from the department of corrections
123 a photograph taken of the defendant prior to release from incarceration.

124 2. The provisions of subsection 1 of this section shall not be construed to imply any
125 victim who is incarcerated by the department of corrections or any local law enforcement
126 agency has a right to be released to attend any hearing or that the department of corrections or
127 the local law enforcement agency has any duty to transport such incarcerated victim to any
128 hearing.

129 3. Those persons entitled to notice of events pursuant to the provisions of subsection
130 1 of this section shall provide the appropriate person or agency with their current addresses,
131 **electronic mail addresses**, and telephone numbers or the addresses, **electronic mail**
132 **addresses**, or telephone numbers at which they wish notification to be given.

133 4. Notification by the appropriate person or agency utilizing the statewide automated
134 crime victim notification system as established in section 650.310 shall constitute compliance
135 with the victim notification requirement of this section. If notification utilizing the statewide
136 automated crime victim notification system cannot be used, then written notification shall be
137 sent by certified mail **or electronic mail** to the most current address **or electronic mail**
138 **address** provided by the victim.

139 5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution
140 or the laws of this state pertaining to the rights of victims of crime shall be granted and
141 enforced regardless of the desires of a defendant and no privileges of confidentiality shall
142 exist in favor of the defendant to exclude victims or prevent their full participation in each and
143 every phase of parole hearings or probation revocation hearings. The rights of the victims
144 granted in this section are absolute and the policy of this state is that the victim's rights are
145 paramount to the defendant's rights. The victim has an absolute right to be present at any
146 hearing in which the defendant is present before a probation and parole hearing officer.

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."
 28

29 The contracting states solemnly agree:

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

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

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

41

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

44

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

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

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

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

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

75 (6) ~~That this compact shall become operative immediately upon its~~
76 ~~execution by any state as between it and any other state or states so executing.~~

77 ~~When executed it shall have the full force and effect of law within such state,~~
78 ~~the form of execution to be in accordance with the laws of the executing state.~~

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

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

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

✓