

FIRST REGULAR SESSION

# HOUSE BILL NO. 1133

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERKINS.

2456H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 558.031, RSMo, and to enact in lieu thereof one new section relating to credit for jail time.

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

Section A. Section 558.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.031, to read as follows:

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

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

(1) Such credit shall only be applied once when sentences are consecutive;

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.

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 on or after  
41 August 28, 2021.

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