

HB 301 -- PUBLIC SAFETY

SPONSOR: Roberts

SPECIAL PROSECUTOR (Section 56.601)

This bill allows the Governor to appoint a special prosecutor in the City of St. Louis for a period of five years if, after reviewing various relevant statistics, the Governor determines that a threat to public safety and health exists in the City of St. Louis. The Governor will be able to renew the five-year term of the special prosecutor if the Governor determines that the threat to the public safety and health continues. The special prosecutor will have exclusive jurisdiction to initiate and prosecute certain offenses as specified in the bill. The Governor may remove the special prosecutor for felony criminal misconduct or incompetency. Funds for the special prosecutor will be provided by the state from the General Revenue Fund. The special prosecutor will have a budget and will be authorized to hire up to 15 assistant special prosecuting attorneys and up to 15 staff members. These provisions are subject to an emergency clause.

SERVICES FOR FORMER INMATES (Sections 208.151 and 217.830)

The bill provides that, subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services, any person who has been released from the custody of the Department of Corrections (DOC) within the previous six months and who does not have access to health insurance through a job or other avenues shall be eligible to receive MO HealthNet benefits for six months. Additionally, DOC, working with the Department of Health and Senior Services and the Department of Revenue, must provide every Missouri-born offender with various documentation, including his or her birth certificate and a state identification card, prior to the offender's release upon the expiration of his or her sentence. For offenders born outside the state, DOC must assist the offender in completing the necessary forms and applications to obtain the necessary documentation.

CONDITIONS OF RELEASE (Section 544.453)

The bill establishes certain factors that must be considered when a judge or judicial officer sets bail. The factors include whether the person poses a danger, is a flight risk, has committed certain offenses in the last five years, or has failed to appear in court as a condition for probation or parole for certain offenses with the last three years.

MINIMUM PRISON TERMS (Sections 217.760 and 558.019)

Currently, certain offenses, including second degree murder, voluntary and involuntary manslaughter, first degree assault, and other offenses, have minimum prison terms for offenders with prior felony convictions.

This bill repeals those provisions relating to certain offenses and provides that all classes of felonies, except controlled substance offenses, shall be subject to minimum prison terms for offenders with prior felony convictions.

The bill also repeals provisions that allow offenders convicted prior to August 28, 2019, to no longer be subject to these minimum prison terms. The bill provides that these provisions shall apply only to offenses occurring on or after August 28, 2003.

UNLAWFUL POSSESSION OF A FIREARM (Section 571.070)

Current law provides that a person commits the offense of unlawful possession of a firearm if the person knowingly possesses a firearm and the person has been convicted of a felony. This bill changes the provision to apply only to individuals who have been convicted of a violent felony. The bill also specifies that a person commits the offense of unlawful possession of a firearm if the person knowingly has a firearm in his or her possession and the person is either on probation or parole for a nonviolent felony or the person is under 18 years of age, is on public property, is not accompanied by an adult 21 years old or older, and is not possessing the firearm as otherwise allowed by law.

LAW ENFORCEMENT (Sections 590.060, 590.1070, and 590.1075)

The bill also specifies that no law enforcement agency or political subdivision empowered by law to maintain a law enforcement agency will contract with any public or private entity to provide law enforcement training unless the entity's instructors and curriculum have been approved by the Department of Public Safety.

The bill also establishes the "Peace Officer Basic Training Tuition Reimbursement Program". Missouri residents who attend a basic law enforcement academy for training required to be a peace officer and who obtain full-time employment with a law enforcement agency, on or after September 1, 2023, may apply to have their tuition reimbursed under the program at a rate of 25% per year of employment, with full tuition reimbursed by the end of four years of employment. Qualifying government entities that pay for a person to attend the academy may submit for tuition reimbursement at the same rate. The POST Commission will be the administrative agency for implementation of the reimbursement program.

The bill also establishes the "Peace Officer Basic Training Tuition Reimbursement Fund", which will consist of moneys appropriated by the General Assembly, as well as any gifts, bequests, or donations, and the funds are to be used solely for the administration of the reimbursement program.