

SECOND REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 1777, 2203, 2059 & 2502

102ND GENERAL ASSEMBLY

4155H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 208.247, 491.075, 492.304, and 558.041, RSMo, and to enact in lieu thereof eight new sections relating to certain offenders.

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

Section A. Sections 208.247, 491.075, 492.304, and 558.041, RSMo, are repealed
2 and eight new sections enacted in lieu thereof, to be known as sections 208.247, 211.436,
3 217.443, 221.520, 221.523, 491.075, 492.304, and 558.041, to read as follows:

208.247. ~~[1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an
2 individual who has pled guilty or nolo contendere to or is found guilty under federal or state
3 law of a felony involving possession or use of a controlled substance shall be exempt from the
4 prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program
5 benefits for such convictions, if such person, as determined by the department:~~

6 ~~(1) Meets one of the following criteria:~~

7 ~~(a) Is currently successfully participating in a substance abuse treatment program
8 approved by the division of alcohol and drug abuse within the department of mental health; or~~

9 ~~(b) Is currently accepted for treatment in and participating in a substance abuse
10 treatment program approved by the division of alcohol and drug abuse, but is subject to a
11 waiting list to receive available treatment, and the individual remains enrolled in the treatment
12 program and enters the treatment program at the first available opportunity; or~~

13 ~~(c) Has satisfactorily completed a substance abuse treatment program approved by
14 the division of alcohol and drug abuse; or~~

15 ~~(d) Is determined by a division of alcohol and drug abuse certified treatment provider
16 not to need substance abuse treatment; and~~

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 ~~(2) Is successfully complying with, or has already complied with, all obligations~~
18 ~~imposed by the court, the division of alcohol and drug abuse, and the division of probation~~
19 ~~and parole; and~~

20 ~~(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional~~
21 ~~controlled substance misdemeanor or felony offense after release from custody or, if not~~
22 ~~committed to custody, such person does not plead guilty or nolo contendere to or is not found~~
23 ~~guilty of an additional controlled substance misdemeanor or felony offense, within one year~~
24 ~~after the date of conviction. Such a plea or conviction within the first year after conviction~~
25 ~~shall immediately disqualify the person for the exemption; and~~

26 ~~(4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the~~
27 ~~participant.~~

28 ~~2. Eligibility based upon the factors in subsection 1 of this section shall be based upon~~
29 ~~documentary or other evidence satisfactory to the department of social services, and the~~
30 ~~applicant shall meet all other factors for program eligibility.~~

31 ~~3. The department of social services, in consultation with the division of alcohol and~~
32 ~~drug abuse, shall promulgate rules to carry out the provisions of this section including~~
33 ~~specifying criteria for determining active participation in and completion of a substance abuse~~
34 ~~treatment program.~~

35 ~~4. The exemption under this section shall not apply to an individual who has pled~~
36 ~~guilty or nolo contendere to or is found guilty of two subsequent felony offenses involving~~
37 ~~possession or use of a controlled substance after the date of the first controlled substance~~
38 ~~felony conviction.] Pursuant to the option granted to the state under 21 U.S.C. Section~~
39 **862a(d)(1), an individual convicted under federal or state law of a felony offense**
40 **involving possession, distribution, or use of a controlled substance shall be exempt from**
41 **the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for the**
42 **supplemental nutrition assistance program for such convictions.**

211.436. 1. Instruments of restraint, including handcuffs, chains, irons, or
2 **straitjackets, shall not be used on a child during a proceeding in a juvenile court and**
3 **shall be removed prior to the child's appearance before the court unless the court finds**
4 **both that:**

5 **(1) The use of restraints is necessary due to one of the following factors:**

6 **(a) Instruments of restraint are necessary to prevent physical harm to the child**
7 **or another person;**

8 **(b) The child has a history of disruptive courtroom behavior that has placed**
9 **others in potentially harmful situations or presents a substantial risk of inflicting**
10 **physical harm on himself or herself or others as evidenced by recent behavior; or**

11 (c) There is evidence that the child presents a substantial risk of flight from the
12 courtroom; and

13 (2) There are no less restrictive alternatives to restraints that will prevent flight
14 or physical harm to the child or another person including, but not limited to, the
15 presence of court personnel, law enforcement officers, or bailiffs.

16 2. If the juvenile office believes that there is an immediate safety or flight risk, as
17 provided under subsection 1 of this section, the juvenile officer shall advise the attorney
18 for the child and make a request in writing prior to the commencement of the
19 proceeding for the child to remain restrained during the court proceeding while in the
20 presence of the parties to the proceeding.

21 3. The court shall provide the child's attorney an opportunity to be heard before
22 the court orders the use of restraints. If restraints are ordered, the court shall make
23 findings of fact in support of the order.

24 4. If restraints are used, the restraints shall allow the child limited movement of
25 the hands to read and handle documents and writings necessary to the proceeding.
26 Under no circumstances shall a child be restrained using fixed restraints to a wall, floor,
27 furniture, or other stationary object.

217.443. 1. When any inmate is discharged from a term of imprisonment for a
2 felony offense and the intended residence designated by the inmate is within this state,
3 the department of corrections shall provide the inmate with relevant documentation to
4 assist the inmate in obtaining post-release employment and shall coordinate with the
5 department of revenue to provide a state-issued identification card if the inmate does
6 not have a current state-issued identification card or driver's license.

7 2. Within nine months prior to the release of an inmate from custody, the
8 department of corrections, in coordination with the department of revenue, shall
9 identify whether the inmate has a current form of state-issued identification and begin
10 the process of gathering the documentation required for the issuance of a state-issued
11 identification card pursuant to the process provided by state law.

12 3. The department of corrections shall coordinate with the department of
13 revenue to provide state-issued identification cards to all eligible inmates who do not
14 have a current state-issued identification card or driver's license upon their release from
15 custody. The identification cards shall be issued, replaced, cancelled, and denied in the
16 same manner as driver's licenses in this state.

17 4. The department of revenue shall allow the use of a certified copy of a birth
18 certificate coupled with a department of corrections-issued record card to serve as a
19 valid form of photo identification documentation to obtain a state-issued identification
20 card.

21 **5. State-issued identification cards issued with a record card from the**
22 **department of corrections for inmates shall be valid for a period of four years from**
23 **the month of issuance for an allowable fee to be determined by the department of**
24 **revenue and are nonrenewable and nontransferable.**

25 **6. The department of corrections may utilize any funds available to cover the**
26 **costs associated with the implementation and administration of this section and the**
27 **purchase of state-issued identification cards including, but not limited to, inmate trust**
28 **funds, existing funds of the department of corrections, and donations.**

29 **7. The provisions of this section shall apply only to inmates who may receive a**
30 **state-issued identification card pursuant to the standards established by state law.**

31 **8. For purposes of assisting an inmate in obtaining post-release employment, the**
32 **department of corrections shall provide the inmate with the following documentation:**

33 **(1) A copy of the vocational training record of the inmate, if applicable;**

34 **(2) A copy of the work record of the inmate, if applicable;**

35 **(3) A certified copy of the birth certificate of the inmate, if obtainable;**

36 **(4) A Social Security card or a replacement Social Security card of the inmate, if**
37 **obtainable;**

38 **(5) A resume that includes any trade learned by the inmate and the proficiency**
39 **at that trade by the inmate; and**

40 **(6) Documentation that the inmate has completed a practice job interview.**

41 **9. For purposes of assisting an inmate in obtaining post-release employment, the**
42 **department of corrections shall notify the inmate if he or she is eligible to apply for a**
43 **license from a state entity charged with oversight of an occupational license or**
44 **certification.**

45 **10. The following categories of inmates are not required to complete resumes or**
46 **practice job interviews prior to their release from incarceration:**

47 **(1) Inmates sixty-five years of age or older;**

48 **(2) Inmates releasing to medical parole or discharging from a prison infirmary**
49 **setting;**

50 **(3) Inmates releasing to the custody of another jurisdiction on a warrant or**
51 **detainer; and**

52 **(4) Inmates that the department determines would be physically or mentally**
53 **unable to enter the workforce upon release from incarceration.**

54 **11. The department of revenue and the department of corrections may**
55 **promulgate all necessary rules and regulations for the administration of this section.**
56 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**
57 **under the authority delegated in this section shall become effective only if it complies**

58 with and is subject to all of the provisions of chapter 536 and, if applicable, section
59 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
60 with the general assembly pursuant to chapter 536 to review, to delay the effective date,
61 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
62 of rulemaking authority and any rule proposed or adopted after August 28, 2024, shall
63 be invalid and void.

221.520. 1. As used in this section, the following terms shall mean:

2 (1) "Extraordinary circumstance", a substantial flight risk or some other
3 extraordinary medical or security circumstance that dictates restraints be used to
4 ensure the safety and security of a pregnant offender in her third trimester or a
5 postpartum offender within forty-eight hours postdelivery, the staff of the county or city
6 jail or medical facility, other offenders, or the public;

7 (2) "Labor", the period of time before a birth during which contractions are
8 present;

9 (3) "Postpartum", the period of recovery immediately following childbirth,
10 which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so
11 determined by a physician or nurse;

12 (4) "Restraints", any physical restraint or other device used to control the
13 movement of a person's body or limbs.

14 2. Except in extraordinary circumstances, a county or city jail shall not use
15 restraints on a pregnant offender in her third trimester, whether during transportation
16 to and from visits to health care providers and court proceedings or medical
17 appointments and examinations, or during labor, delivery, or forty-eight hours
18 postdelivery.

19 3. In the event a sheriff or jailer determines that extraordinary circumstances
20 exist and restraints are necessary, the sheriff or jailer shall fully document in writing
21 within forty-eight hours of the incident the reasons he or she determined such
22 extraordinary circumstances existed, the type of restraints used, and the reasons those
23 restraints were considered the least restrictive available and the most reasonable under
24 the circumstances. Such documents shall be kept on file by the county or city jail for at
25 least five years from the date the restraints were used.

26 4. Any time restraints are used on a pregnant offender in her third trimester or
27 on a postpartum offender within forty-eight hours postdelivery, the restraints shall be
28 the least restrictive available and the most reasonable under the circumstances. In no
29 case shall leg, ankle, or waist restraints or any mechanical restraints be used on any
30 such offender, and, if wrist restraints are used, such restraints shall be placed in the

31 front of such offender's body to protect the offender and the unborn child in the case of
32 a forward fall.

33 **5. If a doctor, nurse, or other health care provider treating the pregnant offender**
34 **in her third trimester or the postpartum offender within forty-eight hours postdelivery**
35 **requests that restraints not be used, the sheriff or jailer accompanying such offender**
36 **shall immediately remove all restraints.**

37 **6. Pregnant offenders shall be transported in vehicles equipped with seatbelts.**

38 **7. The county or city jail shall:**

39 **(1) Ensure that employees of the jail are provided with training, which may**
40 **include online training, on the provisions of this section; and**

41 **(2) Inform female offenders, in writing and orally, of any policies and practices**
42 **developed in accordance with this section upon admission to the jail, and post the**
43 **policies and practices in locations in the jail where such notices are commonly posted**
44 **and will be seen by female offenders.**

221.523. 1. By January 1, 2025, all county and city jails shall develop specific
2 **procedures for the intake and care of offenders who are pregnant, which shall include**
3 **procedures regarding:**

4 **(1) Maternal health evaluations;**

5 **(2) Dietary supplements, including prenatal vitamins;**

6 **(3) Timely and regular nutritious meals, which shall include, at minimum, two**
7 **thousand five hundred calories total per day;**

8 **(4) Substance abuse treatment;**

9 **(5) Treatment for the human immunodeficiency virus and ways to avoid human**
10 **immunodeficiency virus transmission;**

11 **(6) Hepatitis C;**

12 **(7) Sleeping arrangements for such offenders, including requiring such**
13 **offenders to sleep on the bottom bunk bed;**

14 **(8) Access to mental health professionals;**

15 **(9) Sanitary materials; and**

16 **(10) Postpartum recovery, including that no such offender shall be placed in**
17 **isolation during such recovery.**

18 **2. As used in this section, "postpartum recovery" means, as determined by a**
19 **physician, the period immediately following delivery, including the entire period an**
20 **offender who was pregnant is in the hospital or infirmary after delivery.**

491.075. 1. A statement made by a child under the age of ~~fourteen~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in

4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

6 (1) The court finds, in a hearing conducted outside the presence of the jury that the
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and

8 (2) (a) The child or vulnerable person testifies at the proceedings; or

9 (b) The child or vulnerable person is unavailable as a witness; or

10 (c) The child or vulnerable person is otherwise physically available as a witness but
11 the court finds that the significant emotional or psychological trauma which would result
12 from testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under
17 the age of ~~fourteen~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an
18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,
19 admission or confession regardless of whether or not the child or vulnerable person is
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the
23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
30 materially affects ability to function, lacks the mental capacity to consent, or whose
31 developmental level does not exceed that of an ordinary child of ~~fourteen~~ **seventeen** years
32 of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child
3 when under the age of ~~fourteen who is alleged to be a victim of~~ **eighteen or a vulnerable**
4 **person, relating to** an offense under the provisions of chapter 565, 566 ~~or~~, 568, **or 573 if**
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except
7 that, for any statement taken at a state-funded child assessment center as provided for in
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal

9 investigation may, as a member of a multidisciplinary investigation team, observe the taking
10 of such statement, but such attorney shall not be present in the room where the interview is
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the
21 recording is present at the proceeding and available to testify or be cross-examined by either
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,
36 demonstrations with a doll or other visual aid whether or not this demonstration is
37 accompanied by words.

38 5. **For the purposes of this section, "vulnerable person" shall mean a person**
39 **who, as a result of an inadequately developed or impaired intelligence or a psychiatric**
40 **disorder that materially affects the ability to function, lacks the mental capacity to**
41 **consent, or whose developmental level does not exceed that of an ordinary child of**
42 **seventeen years of age.**

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.

10 3. **(1)** The director of the department of corrections shall issue a policy for awarding
11 credit.

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

15 **(3)** Any **major conduct** violation of institutional rules ~~or~~, **violation of** the laws of
16 this state ~~may~~, **parole revocation, or the accumulation of minor conduct violations**
17 **exceeding six within a calendar year shall** result in the loss of all ~~or a portion of any~~ **prior**
18 credit earned by the ~~inmate~~ **offender** pursuant to this section.

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

22 **(5)** The department shall award credit of ninety days to any qualifying offender
23 who successfully:

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

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

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

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

31 **(6)** Each qualifying program or activity successfully completed shall earn ninety
32 days of credit, which shall be limited to no more than ninety days per calendar year
33 within a twelve-month time frame.

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

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

40 4. ~~[The department shall cause the policy to be published in the code of state~~
41 ~~regulations]~~ **Eligible offenders may petition the department to receive credit for**
42 **programs or activities completed prior to August 28, 2024, as specified below:**

43 (1) **Eligible offenders can submit a petition from January 1, 2025, to December**
44 **31, 2025; and**

45 (2) **Offenders shall have completed the qualifying program or activity between**
46 **January 1, 2010, and August 28, 2024.**

47

48 **All other provisions outlined in this section shall apply retroactively to offenses**
49 **committed after December 31, 2009.**

50 5. ~~[No rule or portion of a rule promulgated under the authority of this chapter shall~~
51 ~~become effective unless it has been promulgated pursuant to the provisions of section~~
52 ~~536.024]~~ **No offender committed to the department who is sentenced to death or**
53 **sentenced to life without probation or parole shall be eligible for good time credit under**
54 **this section.**

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