

SECOND REGULAR SESSION

[PERFECTED WITH PERFECTING AMENDMENT]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NOS. 1777, 2203, 2059 &
2502**

102ND GENERAL ASSEMBLY

4155H.03D

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 208.247, 491.075, 492.304, 558.019, 558.041, 566.030, 566.060, 566.125, and 566.210, RSMo, and to enact in lieu thereof thirteen 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Section A. Sections 208.247, 491.075, 492.304, 558.019, 558.041, 566.030, 566.060, 2 566.125, and 566.210, RSMo, are repealed and thirteen new sections enacted in lieu thereof, 3 to be known as sections 208.247, 211.436, 217.443, 221.520, 221.523, 491.075, 492.304, 4 558.019, 558.041, 566.030, 566.060, 566.125, and 566.210, 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~~

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.

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

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 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

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

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

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

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

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

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

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

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

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

558.019. 1. This section shall not be construed to affect the powers of the governor under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. **The minimum prison term for an offender with one or two previous felony convictions unrelated to the present offense, for offenses not qualifying as dangerous felonies under section 556.061, shall be fifty percent of the sentence imposed by the court; except that, for any such offenders who are seventy years of age or older, the minimum prison term that the offender shall serve shall be forty percent of the sentence imposed by the court.**

3. The provisions of subsections ~~[2]~~ 3 to 5 of this section shall only be applicable to the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. ~~[For purposes of this section, prior prison commitments to the department of corrections shall not include an offender's first incarceration prior to release on probation under section 217.362 or 559.115.]~~ Other provisions of the law to the contrary notwithstanding, ~~[any]~~ if an offender ~~[who]~~ has been found guilty of a felony other than a dangerous felony as defined in section 556.061 ~~[and]~~, is committed to the department of corrections ~~[shall be required to serve the following minimum prison terms:~~

~~(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;~~

~~(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the~~

38 offender must serve shall be fifty percent of his or her sentence or until the offender attains
39 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
40 occurs first;

41 ~~(3) If the offender~~, and has three or more previous ~~[prison commitments to the~~
42 ~~department of corrections]~~ **convictions** for felonies unrelated to the present offense, the
43 minimum prison term ~~[which]~~ **that** the offender ~~[must]~~ **shall** serve shall be eighty percent of
44 his or her sentence or until the offender attains seventy years of age, and has served at least
45 forty percent of the sentence imposed, whichever occurs first.

46 ~~[3-]~~ **4.** Other provisions of the law to the contrary notwithstanding, any offender who
47 has been found guilty of a dangerous felony as defined in section 556.061 and is committed to
48 the department of corrections shall be required to serve a minimum prison term of eighty-five
49 percent of the sentence imposed by the court or until the offender attains seventy years of age,
50 and has served at least forty percent of the sentence imposed, whichever occurs first.

51 ~~[4-]~~ **5.** For the purpose of determining the minimum prison term to be served, the
52 following calculations shall apply:

53 (1) A sentence of life shall be calculated to be thirty years;

54 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
55 offenses committed at or near the same time which is over seventy-five years shall be
56 calculated to be seventy-five years.

57 ~~[5-]~~ **6.** For purposes of this section, the term "minimum prison term" shall mean time
58 required to be served by the offender before he or she is eligible for parole, conditional
59 release or other early release by the department of corrections.

60 ~~[6- An offender who was convicted of, or pled guilty to, a felony offense other than~~
61 ~~those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer~~
62 ~~be subject to the minimum prison term provisions under subsection 2 of this section, and shall~~
63 ~~be eligible for parole, conditional release, or other early release by the department of~~
64 ~~corrections according to the rules and regulations of the department.—]~~

65 **7.** (1) A sentencing advisory commission is hereby created to consist of eleven
66 members. One member shall be appointed by the speaker of the house. One member shall be
67 appointed by the president pro tem of the senate. One member shall be the director of the
68 department of corrections. Six members shall be appointed by and serve at the pleasure of the
69 governor from among the following: the public defender commission; private citizens; a
70 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
71 Two members shall be appointed by the supreme court, one from a metropolitan area and one
72 from a rural area. All members shall be appointed to a four-year term. All members of the
73 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
74 sentencing advisory commission at the pleasure of the governor.

75 (2) The commission shall study sentencing practices in the circuit courts throughout
76 the state for the purpose of determining whether and to what extent disparities exist among
77 the various circuit courts with respect to the length of sentences imposed and the use of
78 probation for offenders convicted of the same or similar offenses and with similar criminal
79 histories. The commission shall also study and examine whether and to what extent
80 sentencing disparity among economic and social classes exists in relation to the sentence of
81 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
82 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
83 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
84 research and investigation of disparities in death penalty sentencing among economic and
85 social classes.

86 (3) The commission shall study alternative sentences, prison work programs, work
87 release, home-based incarceration, probation and parole options, and any other programs and
88 report the feasibility of these options in Missouri.

89 (4) The governor shall select a chairperson who shall call meetings of the commission
90 as required or permitted pursuant to the purpose of the sentencing commission.

91 (5) The members of the commission shall not receive compensation for their duties
92 on the commission, but shall be reimbursed for actual and necessary expenses incurred in the
93 performance of these duties and for which they are not reimbursed by reason of their other
94 paid positions.

95 (6) The circuit and associate circuit courts of this state, the office of the state courts
96 administrator, the department of public safety, and the department of corrections shall
97 cooperate with the commission by providing information or access to information needed by
98 the commission. The office of the state courts administrator will provide needed staffing
99 resources.

100 8. Courts shall retain discretion to lower or exceed the sentence recommended by the
101 commission as otherwise allowable by law, and to order restorative justice methods, when
102 applicable.

103 9. If the imposition or execution of a sentence is suspended, the court may order any
104 or all of the following restorative justice methods, or any other method that the court finds
105 just or appropriate:

106 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result
107 of the offender's actions;

108 (2) Offender treatment programs;

109 (3) Mandatory community service;

110 (4) Work release programs in local facilities; and

111 (5) Community-based residential and nonresidential programs.

112 10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the
113 assessment and payment of a designated amount of restitution to a county law enforcement
114 restitution fund established by the county commission pursuant to section 50.565. Such
115 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
116 moneys deposited into the county law enforcement restitution fund pursuant to this section
117 shall only be expended pursuant to the provisions of section 50.565.

118 11. A judge may order payment to a restitution fund only if such fund had been
119 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A
120 judge shall not have any direct supervisory authority or administrative control over any fund
121 to which the judge is ordering a person to make payment.

122 12. A person who fails to make a payment to a county law enforcement restitution
123 fund may not have his or her probation revoked solely for failing to make such payment
124 unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of
125 the evidence that the person either willfully refused to make the payment or that the person
126 willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire
127 the resources to pay.

128 13. Nothing in this section shall be construed to allow the sentencing advisory
129 commission to issue recommended sentences in specific cases pending in the courts of this
130 state.

 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]~~ **calculation of**
5 **such credit** when the offender meets the requirements for such credit as provided in
6 subsections 3 and 4 of this section. Good time credit may be rescinded by the director or his
7 or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this
8 section.

9 2. Any credit extended to an offender shall only apply to the sentence which the
10 offender is currently serving.

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

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

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

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

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

23 (5) **The department shall award credit between five and three hundred sixty**
24 **days, as determined by the department based on the length of the program, to any**
25 **qualifying offender who successfully:**

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

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

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

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

33 (6) **An offender may earn a maximum of ninety days of credit in any twelve**
34 **month period.**

35 (7) **Offenders sentenced under subsections 2 and 3 of section 558.019 shall be**
36 **eligible for good time credit. Any good time credit earned shall be subtracted from the**
37 **offender's entire sentence of imprisonment.**

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

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

44 (1) **Eligible offenders can submit a petition from January 1, 2025, to December**
45 **31, 2025; and**

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

48

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

51 5. ~~[No rule or portion of a rule promulgated under the authority of this chapter shall~~
52 ~~become effective unless it has been promulgated pursuant to the provisions of section~~
53 ~~536.024]~~ **No offender committed to the department who is sentenced to death or**

54 **sentenced to life without probation or parole shall be eligible for good time credit under**
55 **this section.**

566.030. 1. A person commits the offense of rape in the first degree if he or she has
2 sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the
3 capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the
4 use of a substance administered without a victim's knowledge or consent which renders the
5 victim physically or mentally impaired so as to be incapable of making an informed consent
6 to sexual intercourse.

7 2. The offense of rape in the first degree or an attempt to commit rape in the first
8 degree is a felony for which the authorized term of imprisonment is life imprisonment or a
9 term of years not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than fifteen years;

12 (2) The person is a persistent or predatory sexual offender as defined in section
13 566.125 and subjected to an extended term of imprisonment under said section;

14 (3) The victim is a child less than twelve years of age, in which case the required term
15 of imprisonment is life imprisonment without eligibility for probation or parole until the
16 offender has served not less than thirty years of such sentence or unless the offender has
17 reached the age of seventy-five years and has served at least fifteen years of such sentence,
18 unless such rape in the first degree is described under subdivision (4) of this subsection; or

19 (4) The victim is a child less than twelve years of age and such rape in the first degree
20 or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or
21 inhumane, in that it involved torture or depravity of mind, in which case the required term of
22 imprisonment is life imprisonment without eligibility for probation, parole or conditional
23 release.

24 3. Subsection ~~[4]~~ 5 of section 558.019 shall not apply to the sentence of a person who
25 has been found guilty of rape in the first degree or attempt to commit rape in the first degree
26 when the victim is less than twelve years of age, and "life imprisonment" shall mean
27 imprisonment for the duration of a person's natural life for the purposes of this section.

28 4. No person found guilty of rape in the first degree or an attempt to commit rape in
29 the first degree shall be granted a suspended imposition of sentence or suspended execution of
30 sentence.

566.060. 1. A person commits the offense of sodomy in the first degree if he or she
2 has deviate sexual intercourse with another person who is incapacitated, incapable of consent,
3 or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion
4 includes the use of a substance administered without a victim's knowledge or consent which

5 renders the victim physically or mentally impaired so as to be incapable of making an
6 informed consent to sexual intercourse.

7 2. The offense of sodomy in the first degree or an attempt to commit sodomy in the
8 first degree is a felony for which the authorized term of imprisonment is life imprisonment or
9 a term of years not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than ten years;

12 (2) The person is a persistent or predatory sexual offender as defined in section
13 566.125 and subjected to an extended term of imprisonment under said section;

14 (3) The victim is a child less than twelve years of age, in which case the required term
15 of imprisonment is life imprisonment without eligibility for probation or parole until the
16 offender has served not less than thirty years of such sentence or unless the offender has
17 reached the age of seventy-five years and has served at least fifteen years of such sentence,
18 unless such sodomy in the first degree is described under subdivision (4) of this subsection; or

19 (4) The victim is a child less than twelve years of age and such sodomy in the first
20 degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile,
21 horrible or inhumane, in that it involved torture or depravity of mind, in which case the
22 required term of imprisonment is life imprisonment without eligibility for probation, parole or
23 conditional release.

24 3. Subsection ~~[4]~~ 5 of section 558.019 shall not apply to the sentence of a person who
25 has been found guilty of sodomy in the first degree or an attempt to commit sodomy in the
26 first degree when the victim is less than twelve years of age, and "life imprisonment" shall
27 mean imprisonment for the duration of a person's natural life for the purposes of this section.

28 4. No person found guilty of sodomy in the first degree or an attempt to commit
29 sodomy in the first degree shall be granted a suspended imposition of sentence or suspended
30 execution of sentence.

566.125. 1. The court shall sentence a person to an extended term of imprisonment if
2 it finds the defendant is a persistent sexual offender and has been found guilty of attempting
3 to commit or committing the following offenses:

4 (1) Statutory rape in the first degree or statutory sodomy in the first degree;

5 (2) Rape in the first degree or sodomy in the first degree;

6 (3) Forcible rape;

7 (4) Forcible sodomy;

8 (5) Rape;

9 (6) Sodomy.

10 2. A "persistent sexual offender" is one who has previously been found guilty of
11 attempting to commit or committing any of the offenses listed in subsection 1 of this section

12 or one who has previously been found guilty of an offense in any other jurisdiction which
13 would constitute any of the offenses listed in subsection 1 of this section.

14 3. The term of imprisonment for one found to be a persistent sexual offender shall be
15 imprisonment for life without eligibility for probation or parole. Subsection [4] 5 of section
16 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment
17 for life" shall mean imprisonment for the duration of the person's natural life.

18 4. The court shall sentence a person to an extended term of imprisonment as provided
19 for in this section if it finds the defendant is a predatory sexual offender and has been found
20 guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this
21 section or committing child molestation in the first or second degree or sexual abuse when
22 classified as a class B felony.

23 5. For purposes of this section, a "predatory sexual offender" is a person who:

24 (1) Has previously been found guilty of committing or attempting to commit any of
25 the offenses listed in subsection 1 of this section, or committing child molestation in the first
26 or second degree, or sexual abuse when classified as a class B felony; or

27 (2) Has previously committed an act which would constitute an offense listed in
28 subsection 4 of this section, whether or not the act resulted in a conviction; or

29 (3) Has committed an act or acts against more than one victim which would constitute
30 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was
31 charged with an additional offense or offenses as a result of such act or acts.

32 6. A person found to be a predatory sexual offender shall be imprisoned for life with
33 eligibility for parole, however subsection [4] 5 of section 558.019 shall not apply to persons
34 found to be predatory sexual offenders for the purposes of determining the minimum prison
35 term or the length of sentence as defined or used in such subsection. Notwithstanding any
36 other provision of law, in no event shall a person found to be a predatory sexual offender
37 receive a final discharge from parole.

38 7. Notwithstanding any other provision of law, the court shall set the minimum time
39 required to be served before a predatory sexual offender is eligible for parole, conditional
40 release or other early release by the department of corrections. The minimum time to be
41 served by a person found to be a predatory sexual offender who:

42 (1) Has previously been found guilty of committing or attempting to commit any of
43 the offenses listed in subsection 1 of this section and is found guilty of committing or
44 attempting to commit any of the offenses listed in subsection 1 of this section shall be any
45 number of years but not less than thirty years;

46 (2) Has previously been found guilty of child molestation in the first or second
47 degree, or sexual abuse when classified as a class B felony and is found guilty of attempting

48 to commit or committing any of the offenses listed in subsection 1 of this section shall be any
49 number of years but not less than fifteen years;

50 (3) Has previously been found guilty of committing or attempting to commit any of
51 the offenses listed in subsection 1 of this section, or committing child molestation in the first
52 or second degree, or sexual abuse when classified as a class B felony shall be any number of
53 years but not less than fifteen years;

54 (4) Has previously been found guilty of child molestation in the first degree or second
55 degree, or sexual abuse when classified as a class B felony, and is found guilty of child
56 molestation in the first or second degree, or sexual abuse when classified as a class B felony
57 shall be any number of years but not less than fifteen years;

58 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of
59 subsection 5 of this section shall be any number of years within the range to which the person
60 could have been sentenced pursuant to the applicable law if the person was not found to be a
61 predatory sexual offender.

62 8. Notwithstanding any provision of law to the contrary, the department of
63 corrections, or any division thereof, may not furlough an individual found to be and sentenced
64 as a persistent sexual offender or a predatory sexual offender.

566.210. 1. A person commits the offense of sexual trafficking of a child in the first
2 degree if he or she knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including
4 but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail,
5 or causing or threatening to cause financial harm, a person under the age of twelve to
6 participate in a commercial sex act, a sexual performance, or the production of explicit sexual
7 material as defined in section 573.010, or benefits, financially or by receiving anything of
8 value, from participation in such activities;

9 (2) Causes a person under the age of twelve to engage in a commercial sex act, a
10 sexual performance, or the production of explicit sexual material as defined in section
11 573.010; or

12 (3) Advertises the availability of a person under the age of twelve to participate in a
13 commercial sex act, a sexual performance, or the production of explicit sexual material as
14 defined in section 573.010.

15 2. It shall not be a defense that the defendant believed that the person was twelve
16 years of age or older.

17 3. The offense of sexual trafficking of a child in the first degree is a felony for which
18 the authorized term of imprisonment is life imprisonment without eligibility for probation or
19 parole until the offender has served not less than twenty-five years of such sentence.
20 Subsection [4] 5 of section 558.019 shall not apply to the sentence of a person who has been

21 found guilty of sexual trafficking of a child less than twelve years of age, and "life
22 imprisonment" shall mean imprisonment for the duration of a person's natural life for the
23 purposes of this section.

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