

HCS HBs 1777, 2203, 2059 & 2502 -- CERTAIN OFFENDERS

SPONSOR: Perkins

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Corrections and Public Institutions by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 7 to 0.

The following is a summary of the House Committee Substitute for HB 1777.

This bill modifies several provisions relating to certain offenders, including access to SNAP benefits; inmate release from Department of Corrections; restraints on children in juvenile court; pregnant offenders; and admissibility of certain evidence in criminal cases.

#### ACCESS TO SNAP BENEFITS (Section 208.247)

The bill repeals current provisions of law allowing for individuals convicted of certain drug offenses to participate in SNAP only if certain conditions are met. Under this bill, individuals who are convicted of a state or federal felony drug offense shall not be excluded from SNAP for such conviction.

#### RESTRAINTS ON CHILDREN IN JUVENILE COURT (Section 211.436)

This bill prohibits the use of instruments of restraint on a child during a juvenile court proceeding and it requires the instruments to be removed prior to the child's appearance before the court unless the court finds that certain exceptions, specified in the bill, apply. If the juvenile office believes there is an immediate safety or flight risk, the juvenile officer must advise the child's attorney and make a written request prior to the commencement of the proceeding for the child to remain restrained during the proceeding. The child's attorney will have an opportunity to be heard and, if restraints are ordered, the court will make findings of fact in support of the order.

#### INMATE RELEASE FROM CORRECTIONS (Section 217.443)

This bill requires the Department of Corrections to provide certain inmates, as specified in the bill, with relevant documentation to assist in obtaining post-release employment.

The Department shall coordinate with the Department of Revenue to provide a State-issued identification card if the inmate does not have a current one.

Nine months prior to an inmate's release from custody, the Department of Corrections shall determine whether the inmate has a current State ID and, if not, begin gathering the required documentation to receive one.

State-issued ID cards issued with a record card from the Department of Corrections shall be valid for a period of four years and are nonrenewable.

The Department of Corrections may utilize any funds to cover the purchase of ID cards, including but not limited to, inmate trust funds, existing funds of the Department, and donations.

The Department shall provide an inmate with the types of documentation specified in the bill.

#### PREGNANT OFFENDERS (Sections 221.520 and 221.523)

This bill prohibits all county and city jails, except in extraordinary circumstances, from using restraints on a pregnant offender in her third trimester, including during transportation or labor, delivery, and 48 hours post-delivery. Pregnant offenders are required to be transported in vehicles equipped with seatbelts. In cases of extraordinary circumstances that require restraints to be used, the sheriff or jailer shall document, in writing and within 48 hours of the incident, the reason for the restraints used, as specified in the bill.

If restraints are used, they shall be the least restrictive available and the most reasonable under the circumstances. No leg, ankle, or waist restraints, or mechanical restraints shall be used; any wrist restraints used shall be placed in front of the offender's body.

Jails shall offer staff training on the provisions of this bill and inform offenders of the policies and practices developed under this bill.

By January 1, 2025, all county and city jails shall develop specific procedures for intake and care of pregnant offenders, including the provision of maternal health evaluations; dietary supplements; meals; substance abuse treatment; HIV treatment; Hepatitis C treatment; sleeping arrangements; mental health care; sanitary materials; and postpartum recovery.

#### ADMISSIBILITY OF CERTAIN EVIDENCE IN CRIMINAL CASES

Currently, a statement made by a child under 14 years of age may be admissible in criminal proceedings, under certain circumstances. This bill amends the age to a child under 18 years of age.

Additionally, the bill provides that visual or audio recordings of a child under 18 years of age or a vulnerable person, as defined in the bill, and relating to certain criminal offenses shall be admissible in criminal proceedings under certain circumstances, as is specified in the bill.

#### GOOD TIME CREDIT (Section 558.041)

This bill modifies provisions authorizing offenders committed to the Department of Corrections to receive good time credit. Good time credit is time that once earned, shall be subtracted from the offender's minimum eligibility-for-release date.

This bill provides that the accumulation of good time credit does not require that the offender be released; the parole board retains discretion to determine the date of release. The parole board in its discretion shall determine the date of release.

The bill provides that any major conduct violation or the accumulation of minor conduct violations exceeding six in one year will result in the loss of all credit earned. No offender who has been sentenced to death or life without probation or parole is eligible for good time credit.

The Department shall award credit of 90 days for programs and activities to any qualifying offender who successfully:

- (1) Receives a high school diploma or equivalent, college diploma, or a vocational training certificate;
- (2) Completes an alcohol or drug abuse treatment program, excluding those treatment programs ordered by either the court or parole board;
- (3) Completes 1,000 hours of restorative justice; or
- (4) Completes other programs provided under the Department's policy.

No offender shall be eligible for more than 90 days of good time credit per calendar year.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPOSERS:** Supporters say that restraining pregnant inmates in their third trimesters is especially dangerous, both to the offenders and their unborn babies. An offender's doctors must have a say in the restrictiveness of restraints used. This bill mirrors current law that applies to the Department of Corrections. Forty states have some restrictions on the books about shackling pregnant inmates. Proponents also say there's no good reason to deprive nonviolent offenders from access to SNAP benefits after they've served their time. Recently released offenders already have many barriers to successful reintegration in society. Providing access to nutritious food could be pivotal in a person's success on the outside. Access to these types of assistance programs reduces the risk of reoffending by 10%.

Testifying in person for the bill were Representative Perkins; Missouri Catholic Conference; Campaign Life Missouri; Greater KC Food Policy Coalition; Justice Action Network; Missouri Appleseed; American College of Obstetricians & Gynecologists; Jasmine Ford; Missouri KidsFirst; Jack Spisel, Operation Food Search; Feeding Missouri; National Association of Social Workers-Mo Chapter; Dream.Org; MADP; and Gwen Smith, Empower Missouri.

**OPPOSERS:** Those who oppose the bill say that this bill fails to account for the harm that psychotic offenders could do to themselves or their babies if they are not restrained. Exceptions in the bill don't go far enough to account for all possible scenarios. It's difficult to tell when an offender might be in her third trimester, and the offender population isn't always truthful. Pregnant offenders have escaped in the past. Transport of an inmate is one of the most dangerous things a corrections officer has to do. This is taking away a vital protection during a very vulnerable time.

Testifying in person against the bill was Diana Knapp.

**OTHERS:** Others testifying on the bill provided information about the relationships between access to nutritious food and positive life outcomes.

Testifying in person on the bill was Missouri Foundation For Health.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.