

HCS HBs 1777, 2203, 2059 & 2502 -- CERTAIN OFFENDERS (Perkins)

COMMITTEE OF ORIGIN: Standing Committee on Corrections and Public Institutions

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 (Sections 491.075 and 492.304)

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 between five and 365 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.

#### MANDATORY MINIMUM PRISON TERMS (Sections 558.019, 566.030, 566.060, 566.125, and 566.210)

Currently, if an offender has one previous prison commitment to the Department of Corrections for a felony offense, the minimum prison term is 40% of the sentence. If an offender has two previous prison commitments to the Department of Corrections for felony offenses, the minimum prison term is 50% of the sentence. If an

offender has three previous prison commitments to the Department of Corrections the minimum prison term is 80% of the sentence.

This bill repeals these provisions, requiring any offender with one or two prior felony convictions to serve 50% of the sentence imposed by the court; and any offender with three or more prior felony convictions to serve 80% of the sentence.