

FIRST REGULAR SESSION

HOUSE BILL NO. 1399

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JUSTUS.

2972H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 557.026, RSMo, and to enact in lieu thereof one new section relating to presentence investigations.

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

Section A. Section 557.026, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 557.026, to read as follows:

557.026. 1. When a probation officer is available to any court, such probation officer shall, unless waived by the defendant, conduct a presentence investigation in all felony cases and make a sentencing assessment report to the court before any authorized disposition is made under section 557.011. In all class A misdemeanor cases a probation officer shall, if directed by the court, conduct a presentence investigation and make a sentencing assessment report to the court before any authorized disposition is made under section 557.011. The report shall not be submitted to the court or its contents disclosed to anyone until the defendant has been found guilty.

2. The sentencing assessment report shall be prepared, presented and utilized as provided by rule of court, except that no court shall prevent the defendant or the attorney for the defendant from having access to the complete sentencing assessment report and recommendations before any authorized disposition is made under section 557.011.

3. The defendant shall not be obligated to make any statement to a probation officer in connection with any sentencing assessment report.

4. When the **judge or** jury enters a finding of guilt and assesses punishment, the probation officer shall, as part of the presentence investigation, inquire of the victim of the offense for which such punishment was assessed of the facts of the offense and any personal

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.

18 injury or financial loss incurred by the victim. If the victim is dead or otherwise unable to
19 make a statement, the probation officer shall attempt to obtain such information from a
20 member of the immediate family of the victim.

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