

SECOND REGULAR SESSION

# HOUSE BILL NO. 2751

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PERKINS.

6221H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 208.247 and 558.041, RSMo, and to enact in lieu thereof three new sections relating to public safety.

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

Section A. Sections 208.247 and 558.041, RSMo, are repealed and three new sections 2 enacted in lieu thereof, to be known as sections 208.247, 558.041, and 589.710, to read as 3 follows: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.

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 or earned time credit may be  
7 rescinded by the director or his or her designee pursuant to the divisional policy issued  
8 pursuant to subdivision (2) of subsection [3] 2 of this section.

9       2. (1) Any credit extended to an offender shall only apply to the sentence which the  
10 offender is currently serving.

11        [3.] (2) The director of the department of corrections shall issue a policy for  
12 awarding **good time credit and, separately, earned time credit**.

13        (3) The policy ~~[may]~~ shall reward an ~~[inmate]~~ offender who has served his or her  
14 sentence in an orderly and peaceable manner ~~[and has]~~ through **good time credit as**  
15 **provided in subsection 3 of this section and award an offender who has successfully**  
16 **taken advantage of the rehabilitation programs and productive activities available to him or**  
17 **her through earned time credit as provided in subsection 4 of this section.**

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

22        [4. The department shall cause the policy to be published in the code of state  
23 regulations.]

24        ~~5. No rule or portion of a rule promulgated under the authority of this chapter shall~~  
25 ~~become effective unless it has been promulgated pursuant to the provisions of section~~  
26 ~~536.024.]~~

27        3. (1) Subject to subsections 1 and 2 of this section, an offender who is serving a  
28 term of imprisonment of more than one year, other than a term of imprisonment for the  
29 duration of the offender's life, may receive good time credit toward the service of the  
30 offender's sentence of up to fifty-four days for each year of the offender's sentence  
31 imposed by the court, subject to yearly determination by the department of corrections  
32 that during that year the offender has displayed exemplary compliance with  
33 institutional disciplinary regulations.

34        (2) If the department of corrections determines that during the year the offender  
35 has not satisfactorily complied with such institutional regulations, the offender shall  
36 receive no good time credit toward service of sentence or shall receive such lesser credit  
37 as the department determines to be appropriate. Credit that has not been earned shall  
38 not later be granted. Credit for the last year of a term of imprisonment shall be credited  
39 on the first day of the last year of the term of imprisonment.

40        4. (1) Subject to subsections 1 and 2 of this section, an offender who is serving a  
41 term of imprisonment of more than one year, other than a term of imprisonment for the  
42 duration of the offender's life, and who successfully participates in rehabilitative  
43 programming or productive activities shall earn ten days of earned time credit for every  
44 thirty days of successful participation in rehabilitative programming or productive  
45 activities.

46        (2) An offender shall not receive earned time credits under this subsection for  
47 programs completed prior to the date that the offender's sentence commenced.

48       (3) The department of corrections shall specify in its policies under subsection 2  
49 of this section the types of programs or activities for which credit may be earned under  
50 this section; the criteria for determining productive participation in, or completion of,  
51 the programs or activities; and the criteria for annually awarding credit. Such  
52 programs and activities shall include, but are not limited to, receiving a high school  
53 diploma or equivalent, college diploma or professional certificate, or vocational training  
54 certificates and participating in successful employment, parenting, and financial literacy  
55 courses, alcohol and drug abuse treatment programs, and restorative justice and faith-  
56 based programs. The department of corrections shall include provisions for educational  
57 programming through correspondence courses.

58       (4) Beginning on January 1, 2027, but not later than December 31, 2027, eligible  
59 offenders may petition the department to receive earned time credit for any qualifying  
60 programs or activities completed after January 1, 2010, but before August 28, 2026.

61       (5) Beginning on August 28, 2026, earned time credit for programs completed on  
62 or after such date shall be awarded on an annual basis.

63       (6) The department of corrections shall notify the incarcerated population of the  
64 petition process through posted signage, electronic notification, and through staff in all  
65 facilities and shall provide a petition form to offenders.

66       5. (1) Offenders sentenced under subsections 2 and 3 of section 558.019 shall be  
67 eligible for good time credit and earned time credit and any credit earned shall be  
68 subtracted from the offender's entire sentence of imprisonment.

69       (2) Offenders committed to the department who are sentenced to death or  
70 sentenced to life without probation or parole shall not be eligible for good time credit or  
71 earned time credit under this section; however, the department shall record their  
72 program participation in the same manner as the eligible population.

73       (3) The incentives described in this section shall be in addition to any other  
74 rewards or credits for which an offender may be eligible.

75       (4) Nothing in this section shall be construed to remove the parole board's  
76 discretion in awarding good time credit or earned time credit.

77       6. The department of corrections shall prepare and submit an annual report to  
78 the general assembly on good time credit and earned time credit, which shall include  
79 information on the number of offenders receiving credit under both programs.

80       589.710. 1. For the purposes of this section, the following terms mean:

2       (1) "Bona fide researcher", any individual or organization who:

3           (a) Agrees that any personally identifiable information provided shall be used  
4 only for research and statistical activities and shall not be transferred, revealed, or used

5 for purposes other than research or statistical activities and that reports or publications  
6 derived from this information shall not identify specific individuals;

7 (b) Certifies that such individual or organization has secured approval by the  
8 individual or organization's institutional review board for the research or statistical  
9 project that is the basis of the data access request; and

10 (c) If the individual or organization is requesting access to any confidential,  
11 personally identifiable data, certifies that the individual or organization has security  
12 controls in place to prevent unauthorized access to any confidential, personally  
13 identifiable data and that these controls have met the approval of the individual or  
14 organization's institutional review board;

15 (2) "Criminal justice agency", any court with criminal jurisdiction and any  
16 local, county, or state agency that performs any activity directly relating to the detection  
17 or investigation of crime; the apprehension, pretrial release, post-trial release,  
18 prosecution, correctional supervision, rehabilitation, evaluation, or treatment of  
19 accused persons or criminal offenders; or criminal identification activities or the  
20 collection, storage, or dissemination of arrest and criminal records information;

21 (3) "Criminal justice data", all data collected, created, received, maintained, or  
22 disseminated by any criminal justice agency regardless of its physical form, storage  
23 media, or conditions of use;

24 (4) "Institutional review board", any board, committee, or other group that  
25 reviews, approves initiation of, and conducts periodic review of research and that has  
26 received accreditation for this purpose or is part of an accredited institution of higher  
27 learning;

28 (5) "Record", any information kept, held, filed, produced, or reproduced by,  
29 with, or for a criminal justice agency, in any physical or digital form whatsoever  
30 including, but not limited to, reports, statements, examinations, memoranda, opinions,  
31 folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps,  
32 photos, letters, microfilms, computer tapes or discs, or rules, regulations, or codes.

33 2. (1) A criminal justice agency shall share with a bona fide researcher all  
34 criminal justice data and records, including relevant personally identifying information  
35 and demographic information, held by that agency relating to:

36 (a) A law enforcement stop, search, or seizure;

37 (b) A warrant, arrest, or citation;

38 (c) Participation in a pre-arrest or post-arrest diversion, specialty court, or other  
39 alternative resolution program;

40 (d) A criminal charge, disposition, or sentence;

41           (e) Pretrial or post-trial release from custody, or any terms or conditions of  
42 release;

43           (f) A grant, order, change in the terms of, or termination of pretrial supervised  
44 release, probation, parole, or participation in correctional or rehabilitative programs;  
45 or

46           (g) Formal discipline, reclassification, or relocation of any person under criminal  
47 sentence or correctional control.

48           (2) A criminal justice agency shall share with a bona fide researcher all criminal  
49 justice data and records, including relevant personally identifying information and  
50 demographic information, held by that agency that is subject to mandatory or  
51 discretionary disclosure to any member of the public and not otherwise closed pursuant  
52 to chapter 610.

53           (3) A criminal justice agency may share with a bona fide researcher any other  
54 criminal justice data, records, or information, including relevant personally identifying  
55 information and demographic information, held by that agency that is responsive to a  
56 bona fide researcher's request.

57           (4) A release of criminal justice data, records, or information under this section  
58 is not considered a release of data, records, or information to the public for the purposes  
59 of chapter 610 and does not waive the right to assert in the future that data, records, or  
60 information may be closed under chapter 610.

61           3. (1) Before February 28, 2027, the attorney general shall issue guidance to  
62 assist criminal justice agencies in complying with the requirements of this section,  
63 including a process for identifying bona fide researchers and sharing criminal justice  
64 data, records, and information with bona fide researchers.

65           (2) A criminal justice agency may assess reasonable fees, not to exceed actual  
66 costs, for the search, retrieval, and copying of criminal justice data, records, or  
67 information requested pursuant to this section, and may waive fees at their discretion.

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