

SECOND REGULAR SESSION

# HOUSE BILL NO. 2695

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRAGG.

6470H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 558.041, RSMo, and to enact in lieu thereof one new section relating to good time and earned time credit.

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

Section A. Section 558.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.041, to read as follows:

558.041. 1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, ~~[may]~~ **shall** receive additional credit in terms of days spent in confinement upon ~~[recommendation for such credit by the offender's institutional superintendent]~~ **calculation of such credit** when the offender meets the requirements for such credit as provided in ~~[subsections 3 and 4 of]~~ this section. Good time credit **or earned time credit** may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to **subdivision (2) of subsection [3] 2** of this section.

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

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

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

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           **(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**

55 literacy courses, alcohol and drug abuse treatment programs, and restorative justice  
56 and faith-based programs. The department of corrections shall include provisions for  
57 educational programming through correspondence courses.

58 (4) Beginning on January 1, 2027, eligible offenders may petition the department  
59 to receive earned time credit for any qualifying programs or activities completed after  
60 January 1, 2010.

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

64 5. (1) Offenders sentenced under subsections 2 and 3 of section 558.019 shall be  
65 eligible for good time credit and earned time credit and any credit earned shall be  
66 subtracted from the offender's entire sentence of imprisonment.

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

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

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

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