

PROSECUTING ATTORNEYS (Sections 27.117 and 56.265)

This bill authorizes prosecuting or circuit attorneys to request assistance from the the Attorney General to prosecute individuals for violations of harassment in the first degree, harassment in the second degree, stalking in the first degree, stalking in the second degree, cyberharassment, cyberstalking, disclosure of an intimate digital depiction, or sadistic online exploitation, if the violation occurred in more than one jurisdiction in the State.

Currently, the salary schedule for county prosecuting attorneys excludes charter counties. The bill includes prosecuting attorneys in chartered counties. The bill repeals the existing salary schedule for prosecutors in different classes of counties and replaces it with a flat percentage for prosecutors in the different class counties. For prosecutors of first or second class counties or of the City of St. Louis, the salary will be equal to 100% of the compensation of a circuit judge; for prosecutors in third or fourth class counties, compensation will be equal to 100% of the compensation of an associate circuit judge or, upon approval by a majority of the county commission, the prosecuting attorney will receive compensation equal to 95% of the compensation of a circuit judge. Upon approval by a majority of the county commission, a part-time prosecuting attorney will receive compensation equal to between 30% and 60% of the compensation of an associate circuit judge. The bill allows a county with a vacancy in the office of prosecuting attorney for more than 60 days to consolidate with one contiguous county with a sitting prosecuting attorney upon a unanimous vote of the county commissions of the relevant counties to establish a cooperative regional prosecuting attorney's office at any time. The prosecuting attorney of the contiguous county will then become the prosecuting attorney of that region for the remainder of that attorney's term in office or until the Governor appoints a prosecutor to fill the vacant position. Regional prosecuting attorneys will be designated full-time prosecuting attorneys and will be compensated as provided in this Section. No two counties that each have a sitting prosecuting attorney will be allowed to consolidate.

The bill creates the "Missouri State Prosecutorial Services Grant Fund" and moneys in the Fund will be used for prosecutor salaries and will be allocated to counties of the third and fourth

classification on the basis of need in order for the counties to be in compliance with the provisions of this Section.

FINGERPRINTING OF JUVENILES (Section 43.503)

Currently, an arresting officer is required to take fingerprints to be sent to the central repository if an individual under 17 years of age, who is not currently certified as an adult, is taken into custody for an offense that would be a felony if committed by an adult.

This bill requires that an officer take fingerprints from an individual under 18 years of age for an offense that would be one of the following if committed by an adult:

- (1) A class A or B felony;
- (2) A felony sexual offense; or
- (3) Two felony offenses arising from distinct acts committed within one year of each other.

This bill also repeals a provision that requires fingerprint cards to be made in a manner that does not reveal the juvenile's name to the central repository. Records of a juvenile who has been fingerprinted must be closed records.

SHERIFF OF ST. LOUIS (Section 57.540)

Currently, compensation for the attorney for the sheriff of the City of St. Louis must be not less than \$3,000 and not more than \$15,000 per year. This bill provides that the sheriff will set the rate of compensation for the attorney, and the attorney will be employed at the pleasure of the sheriff.

JUVENILE DETENTION (Section 211.021, 211.331, 211.341, 211.342, & 211.436)

The bill defines "juvenile detention facility" and specifies that such facilities do not include a jail or other adult detention facility unless the juvenile is 18 years of age or older or unless the juvenile detention facility is operated, administered, and staffed separately and independently of a jail or other adult detention facility and used exclusively for the lawful custody

and treatment of juveniles. A juvenile detention facility may be located in the same building or on the same grounds as a jail or other adult detention facility if there is specified separation between the facilities, programs, and staff for adults and juveniles. The facility can be owned or operated by public or private agencies.

Currently, circuit judges of a judicial circuit can establish a place of juvenile detention for the counties within the circuit court. This bill allows, in the alternative, the governing body of a county to provide for juvenile detention in coordination with all other counties within the same circuit court or with all counties of the same circuit court and all counties of an adjoining circuit court. The county governing body must approve an ordinance, order, or resolution authorizing a place of detention, must approve an agreement between the counties, as specified in this bill, and must notify the presiding circuit judge.

The operation and support of a juvenile detention facility authorized pursuant to this bill must be regulated in accordance with the rules and standards of the Supreme Court of Missouri under the governance of the circuit judge. If two or more counties of adjoining judicial circuits have authorized a place of detention, the circuit judges must jointly govern the affairs of the place of detention. Furthermore, the counties authorizing a place of detention pursuant to this Section may impose, by order, a sales tax up to 1% on all retail sales after receiving voter approval, and the proceeds of the sales tax must be used for providing a juvenile detention facility while the tax is in effect, as specified in the bill.

This bill repeals a provision in different a truly agreed to and finally passed bill from this legislative session that provides that a child must not be placed in leg restraints unless the child is charged with a class A or class B felony or is determined to be an immediate safety or flight risk by the official overseeing his or her custody.

CERTIFICATION OF A JUVENILE AS AN ADULT (Section 211.071)

Currently, if a petition or motion to modify alleges that a child between 14 and 18 years of age has committed a felony offense, the court may, upon its own motion or motion by the juvenile officer, the child, or the child's custodian, order a hearing,

and exercise its discretion to dismiss the motion or petition to modify and order the child to the court of general jurisdiction.

This bill modifies the provision so that it applies only to offenses that are a class A or B felony, a felony sexual offense, or three felony offenses arising from distinct acts committed within 180 days of each other. Under this provision, the office of the prosecuting or circuit attorney will also have the authority to make such a motion and present evidence at any hearing held on its motion.

The bill provides that, when a juvenile officer forwards to the prosecuting attorney a class A or B felony that is not certified, the prosecuting attorney must notify the juvenile officer within 14 days of the decision to certify the case. The prosecuting attorney has only 14 days to file the motion to certify.

Currently, the juvenile officer may consult with the prosecuting attorney concerning any offense for which the child could be certified as an adult. This bill requires the juvenile officer to consult with the prosecuting or circuit attorney. Additionally, the prosecuting or circuit attorney must be provided with police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses, a copy of the completed Missouri Juvenile Detention Assessment Form (JDTA) that was used in determining detention, and all other records or reports relating to the offense alleged to have been committed by the child. Use of the JDTA to determine that a child may be held will be used as a guideline and not be mandatory.

Under this bill, the juvenile officer must consider all legally sufficient charges submitted by law enforcement when utilizing the JDTA form and must provide a copy of the form to the law enforcement agency once a determination has been made.

The bill requires law enforcement agencies who detain juveniles for offenses where fingerprinting is required to collect fingerprints and forward detention information to the central repository. Juvenile officers and the courts of jurisdiction over juvenile offenders must share adjudication, delinquency, and custody information with the Missouri Uniform Law Enforcement System, and such information must be accessible by criminal justice and law enforcement agencies. Such records maintained by the central repository must be closed.

JUVENILE COURT PROCEEDINGS (Section 211.319)

This bill provides that juvenile court proceedings for criminal offenses will not be open to the general public.

PRISON TERMS (Section 217.362, 217.690, 217.760, 557.011, 557.021, 558.011, 558.016, 558.019, 558.026, 558.046, 559.115, 566.060, & 566.125)

The bill repeals provisions that do not consider an offender's first incarceration in a Department of Corrections long-term substance abuse program or 120-day program as a previous prison commitment for the purpose of determining a minimum prison term.

Currently, any felony offense that is defined outside of this code without a penalty provision is a class E felony. This bill adds that any such offense must also be subject to the imprisonment terms of Chapter 558, RSMo.

Currently, when a person is found guilty of a felony and sentenced, there is a certain percentage range of the sentence that must be served prior to parole eligibility.

This bill repeals such provisions and provides that offenders must serve the following percentage of the imposed term prior to eligibility for parole based upon the felony classification as follows:

Class A: 70%

Class B: 50%

Class C:

(1) 40% for an offense that requires registration as a sex offender;

(2) 30% for a first offense that does not require registration as a sex offender;

(3) 35% for a second such offense; and

(4) 50% for a third or subsequent such offense

Class D:

- (1) 25% for an offense that requires registration as a sex offender;
- (2) 20% for a first offense that does not require registration as a sex offender;
- (3) 25% for a second such offense; and
- (4) 50% for a third or subsequent such offense

Class E:

- (1) 25% for an offense that requires registration as a sex offender;
- (2) 15% for a first offense that does not require registration as a sex offender;
- (3) 20% for a second such offense; and
- (4) 50% for a third or subsequent such offense

This bill also removes references to the minimum percentage ranges and replaces them with references to the eligibility percentages established in these provisions. This bill requires a person who is sentenced to concurrent sentences to serve the minimum required percentage of the longest sentence prior to parole eligibility. A person who is sentenced to consecutive sentences must serve the minimum percentage for each felony prior to parole eligibility.

Currently, there are certain offenses that contain higher parole eligibility percentages than those listed above. These higher percentages are unaffected by these new eligibility percentages, as are offenses where a suspended imposition of sentence is imposed or where the matter is referred to an adult treatment court. This bill instead requires a person that is sentenced to the term of imprisonment for a higher class than the one for which he or she was found guilty due to his or her status as a prior or persistent offender, to serve the parole eligibility percentage of the higher class.

Any person found guilty of a dangerous felony must serve 85% of the imposed sentence prior to parole eligibility. This bill provides that a sentence of life imprisonment will be calculated to be 30 years. Any sentence either alone or in the aggregate with other consecutive sentences for offenses committed near the

same time that is over 75 years will be calculated to be 75 years.

Currently, a court may sentence a person to an extended term of imprisonment if certain conditions are met. This bill requires that the court sentence a person to an extended term of imprisonment if certain conditions are met.

PROTECTION ORDERS (Sections 455.050 and 455.098)

This bill adds cyberstalking to the list of offenses for which a full or ex parte order of protection may be granted to a petitioner.

The bill gives a court jurisdiction to, upon the request of a victim or prosecuting or circuit attorney at the time of sentencing, enter a lifetime protection order restraining or enjoining the defendant from contacting the victim if the defendant has been found guilty of a dangerous felony. The bill describes the effect and process for implementing such a protection order.

SEX OFFENDER REGISTRY (Sections 43.500, 43.503, 43.506, 43.509, 43.526, 43.530, 527.270, 589.400, 589.401, 589.403, 589.404, 589.405, 589.407, 589.410, 589.411, 589.412, 589.413, 589.414, 589.415, 589.417 & 589.425)

The bill prohibits a person required to register on the Missouri sex offender registry from changing his or her name while required to register. Additionally, the person's biological sex as designated on the birth certificate will be listed as the person's sex on the registry.

The bill moves references to the Highway Patrol's role in maintaining the sex offender registry from Chapter 43 to 589, so it is with the other sections related to the registry.

This bill modifies provisions relating to the sex offender registry. Instead of listing certain sexual offenses, this bill provides that any person who, since July 1, 1979, has been or is adjudicated for a tier I offense, tier II offense, or tier III offense in this state or in any other state, territory, the District of Columbia, foreign country, or federal, tribal or military jurisdiction will be required to register as a sex offender.

Offenders will be classified as a tier I, tier II, or tier III offender. To the extent more than one tier definition applies, the highest tier will be the applicable tier for the offender. This bill also provides that certain juvenile offenders and certain offenders who live or work in Missouri with registration requirements by other jurisdictions will be assigned a tier, which will be only for the purposes of registration appearance frequency and removal eligibility. The initial determination as to the tier will be made by the registration official and the MSHP will analyze the tier designation for accuracy.

This bill additionally provides that any sex offender with a primary residence outside of Missouri who has a temporary residence in Missouri in which he or she resides for more than a part-time period must register for the duration of the offender's temporary residency. This bill also provides that a nonresident sex offender who works or is a nonresident student in this state must register in the county where the status requiring registration occurs for the duration of the offender's employment or attendance at any school of higher education as long as the status requiring registration remains active.

The jurisdiction, in addition to the Attorney General, can certify appropriate sex offender treatment programs for purposes of reductions in registration periods. Additionally, if records of program completion are unavailable, and completion of the program that was required as a term of probation, an order discharging the sex offender from probation, or other record acknowledging satisfactory completion of probation will constitute evidence of successful competition.

This bill modifies provisions relating to removal from registration for a person required to register because of an offense adjudicated in another jurisdiction. The person must file the petition or complaint for removal, termination, or relief from registration, or the declaratory judgment providing for removal, termination, or relief, instead of filing a petition for removal, according to the laws of the adjudicating jurisdiction. Upon the entry of a judgment, rather than a grant of a petition for removal, providing that the person is no longer required to register, the judgment can be registered in this State by providing the information required by current law. Additionally, the person may file a petition for removal from this State's sexual offender registry and satisfy the requirements for removal based on adjudication in another state if certain requirements specified in the bill are satisfied.

Currently, if a petition for removal is denied, no successive petition will be filed for at least five years from the judgment date of a petition. If the denial was based on a statute or law that has since been amended, repealed, or invalidated, a person can file a petition within the five-year period.

This bill repeals the provisions relating to someone being removed from the sex offender registry for certain offenses that were nonsexual in nature as specified in the bill. The bill also modifies the list of offenses that exempts offenders who meet the other requirements provided in current law from registration. An offender will have the burden of proving that the requirements for exemption are met.

The chief law enforcement registration official must enter, rather than forward to MSHP, the completed offender registration forms and related updates into the online sex offender registry within three days. MSHP must ensure the information entered into the registry is accessible through the Missouri Uniform Law Enforcement System and forwarded to the National Crime Information Center. MSHP must also regularly update the web page to remove persons who have been removed or exempted, persons deceased, or persons who have moved out of state. Lastly, this bill modifies certain information related to sex offenders and the metadata of the sex offender registry that is considered as an open or closed record under Missouri Sunshine Law.

The bill adds offenses to the sex offender registry, including: grooming or enticement of a minor; possession of child sexual abuse material; nonconsensual dissemination of private sexual images if the victim is 17 years old or under or if coercion of the victim was sexual in nature; and threatening the nonconsensual dissemination of private sexual images if the victim is 17 years old or under or if coercion of the victim was sexual in nature.

The bill makes the offense of failing to register as a sex offender for a third time a class A felony; it is currently an unclassified felony. The bill repeals a statute that allows the chief law enforcement officer of a county or of St. Louis City to maintain a separate web page that will function as a sex offender registry.

CERTAIN CRIMINAL OFFENSES (Sections 544.667, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, 565.227, 565.260, 565.400, 565.405, 573.570 & 573.575)

The bill specifies that a person who violates any condition of release that imposes no contact with specific individuals will be guilty of a class A misdemeanor.

The bill adds definitions for "bodily harm", "great bodily harm", "substantial bodily harm", and "technological abuse conduct" to the existing criminal code definitions. The term "bodily harm" replaces the term "physical injury", and the term "great bodily injury" replaces the term "serious physical injury" in the assault statutes.

The bill enhances the penalty for harassment in the first degree to a class D felony if the defendant has been previously found guilty of harassment in the first degree or in the second degree or if he or she has previously been found guilty of an offense in another state that would be harassment in the first or second degree in Missouri. The bill enhances the penalty for harassment in the second degree to a class E felony if the defendant has been previously found guilty of harassment in the first degree or in the second degree or if he or she has previously been found guilty of an offense in another state that would be harassment in the first or second degree in Missouri.

The bill amends the offense of stalking in the first degree to remove disturbs or follows with the intent to disturb another person as an element, remove references to certain courses of conduct and replace with effects on the victim, and include through technological abuse conduct. The bill amends the offense of stalking in the second degree to include engaging in technological abuse conduct to commit the offense, and to replace language related to the intent of the offender with language related to the effect on the victim.

This bill establishes the offense of unlawful tracking of a motor vehicle, which a person commits if the person knowingly installs, conceals, or otherwise places an electronic tracking device in or on a motor vehicle without the consent of all owners of the vehicle.

There are several exceptions to the offense, as described in the bill, including, but not limited to, for the purposes of a criminal investigation, for participation in voluntary usage-based insurance programs, at the discretion of a parent or legal guardian, or if the vehicle is being repossessed.

The offense of unlawful tracking of a motor vehicle is a class A misdemeanor for the first offense and a class E felony for a subsequent offense.

The bill establishes the offense of cyberharassment, which a person commits if he or she purposely or knowingly engages in a threatening, aggressive, or otherwise fear-inducing course of conduct by using digital, internet, or other electronic technology to cause reasonable fear, alarm, anxiety, undue stress, or terror to others by repeated contact with no legitimate purpose. The first violation of this offense is a class B misdemeanor and a subsequent violation is a class A misdemeanor.

The bill establishes the offense of cyberstalking, which a person commits if he or she purposely or knowingly engages in a threatening, aggressive, or otherwise fear-inducing course of conduct by using digital, internet, or other electronic technology to enhance the ability to intimidate, track, follow, or cause reasonable fear, alarm, anxiety, undue stress, or terror to others. A first violation of this offense is a class A misdemeanor and a subsequent violation is a class E Felony.

The bill also establishes the criminal offense of disclosure of an intimate digital depiction, which a person commits if the person discloses or threatens to disclose an intimate digital depiction: with the intent to harass, annoy, threaten, alarm, or cause harm to the depicted individual; or with the actual knowledge that, or reckless disregard for whether, the disclosure or threatened disclosure will cause harm to the depicted individual.

The bill lists the penalties associated with the offense of disclosure of an intimate digital depiction, as well as whether certain defenses can be applied to the offense.

The bill creates the offense of sadistic online exploitation, which a person commits if he or she uses the internet or engages in physical or non-physical coercion manipulation, or intimidation of a victim for purposes specified in the bill. The offense is a class E felony.

DANGEROUS FELONIES (Section 556.061)

This bill modifies the definition of "dangerous felony" regarding statutory rape in the first degree and statutory sodomy in the

first degree. The requirement that the victim of statutory rape in the first degree or sodomy in the first degree be under 12 years of age for the offense to be a dangerous felony is removed. A person found guilty of a "dangerous felony" must serve 85% of the sentence prior to eligibility for parole. Additionally, the bill adds the following offenses to the definition of "dangerous felony":

- (1) Abuse through forced labor;
- (2) Trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor, or the attempt of such offense;
- (3) Trafficking for the purposes of sexual exploitation, or the attempt of such offense, when the offense was effected by force, abduction, or coercion;
- (4) Sexual trafficking of a child in the first degree;
- (5) Sexual trafficking of a child in the second degree;
- (6) Third offense of failing to register as a sex offender; and
- (7) Endangering the welfare of a child in the first degree.

JAIL TIME CREDIT (Section 558.031)

This bill modifies jail time credit. This bill requires the form developed by the Office of the State Courts Administrator for offenders committed to DOC to include a sentencing calculation, including jail time credit supplemented by a certificate of a sheriff or custodial officer. The bill further requires the court, when pronouncing a sentence, executing a suspended sentence, or suspending the imposition of a sentence, to record as part of the judgment the number of days before the pronouncement of the sentence that the person was in custody related to the offense. Time in custody related to an offense means the time in which the offense was charged in a criminal proceeding, an arrest warrant was issued and served upon the person, and includes time served on house arrest. Time when a person was out on bond or otherwise released is not to be included.

Under this bill, the court can take judicial notice of any time the defendant has served in custody by comparing arrest warrant

service dates with files of release. Any defendant that was held in a juvenile detention facility prior to adjudication to stand trial as an adult may make a motion to receive credit for time served in such facility.

Credit for time spent in prison, jail, or custody after an offense occurs but before commencement of a sentence is currently mandatory and the total amount of credit awarded must not exceed the number of days spent in prison, jail, or custody. The bill removes these two provisions.

Under this bill, a person may challenge jail time credit awarded or not awarded only by filing a petition for a writ of habeas corpus.

SEXUAL OFFENSES (Section 566.030, 566.032, 566.060, 566.103, 566.203, 566.209, 566.210, 566.211, 568.045, 568.060 & 589.425)

Currently, the offense of rape in the first degree has a penalty of five years unless certain factors are present. This bill modifies this provision by classifying it as a class A felony and increasing the penalty to 10 years but not more than 30 years. Currently, if rape in the first degree is an aggravated sexual offense the authorized term of imprisonment is life imprisonment or a term of years not less than 15 years. This bill removes "a term of years not less than 15 years" and adds "life imprisonment without eligibility for probation or parole."

Currently, a person that was found guilty of rape in the first degree when the child was less than 12 years old, was not eligible for probation or parole until the offender has served at least 30 years of their sentence or has reached the age of 75 years and served at least 15 years of their sentence. This bill removes the eligibility for probation or parole.

The authorized term of imprisonment for statutory rape in the first degree, currently, is life imprisonment or a term of not less than five years. This bill increases the term to not less than 10 years. Currently, if statutory rape is an aggravated sexual offense the penalty is life imprisonment or a term of years not less than 10 years. This bill increases the term to not less than 15 years.

Currently, a person that is found guilty of sodomy in the first degree when the child was less than 12 years old, must be sentenced to life imprisonment and is not eligible for probation

or parole until the offender has served at least 30 years of their sentence or has reached the age of 75 years and served at least 15 years of their sentence. The bill removes the eligibility for probation or parole.

Currently, the offense of promoting online sexual solicitation is an unspecified felony punishable by a fine. This bill provides that the offense must be a class E felony, and is punishable by imprisonment, fine, or both.

Currently, the offense of abusing an individual through forced labor carries a penalty of five years to life imprisonment if death results from the offense or if the offense includes kidnapping or an attempt to kidnap, sexual abuse punishable by a class B felony, or an attempt to kill. This bill increases the penalty to 10 years to life imprisonment.

This bill adds "intoxicating or inhibiting substances" to the list of means a person can use to commit the offense of trafficking for the purposes of sexual exploitation.

Currently, the offense of sexual trafficking of a child in the second degree if effected by force, abduction, or coercion, carries a penalty of life imprisonment without eligibility for parole until the defendant has served at least 25 years. This bill modifies that provision by requiring that the defendant serve at least 85% of a life sentence.

Currently, a person commits the offense of endangering the welfare of a child if the person commits certain acts regarding a child that is less than 17 years old. This bill provides that a person commits the offense of endangering the welfare of a child if they commit certain acts regarding a child that is less than 18 years old.

Currently, the offense of abuse or neglect of a child is a class D felony without eligibility for probation, parole, or conditional release until the defendant has served at least one year of their sentence. The bill removes the provision specifying probation, parole, or conditional release requires the defendant to serve one year of such sentence.

This bill classifies failing to register a sex offender as a third offense as a class A felony. Currently, a person convicted of failing to register a sex offender as a third offense is eligible for conditional release of parole after serving at least two years of imprisonment. This bill repeals that provision.

UNMANNED AIRCRAFT (Sections 577.800, 589.900 & 589.902)

Currently, a person commits the offense of unlawful use of an unmanned aircraft if he or she operates an unmanned aircraft within a certain distance from an open-air facility. Currently, the definition of "open-air facility" includes entertainment facilities with a capacity of 5000 people or more. This bill expands that definition to entertainment facilities with a capacity of 500 people or more.

The bill amends the offense of unlawful use of an unmanned aircraft to include when a person uses an unmanned aircraft within the boundary of a critical infrastructure facility or when a person operates an unmanned aircraft within a vertical distance of 400 feet from the ground and within the property line of a critical infrastructure facility to commit a crime.

Currently, an employee of an open-air facility is permitted to operate an unmanned aircraft at the direction of the president or chief executive officer of the facility. This bill adds owners or operators of the facility, including critical infrastructure facilities, it specifies that it is for the purpose of monitoring, inspecting, operating, or maintaining the facility, and removes the requirement that must be at the direction of the president or chief executive officer of the facility.

The bill adds delivering any explosive device or material to the offense of unlawful use of unmanned aircraft as a class B felony.

This bill authorizes a peace officer certified in accordance with Federal requirements to conduct unmanned aircraft and unmanned aerial system mitigation to take necessary mitigation measures, specified in the bill, in a manner consistent with the Missouri Constitution against an imminent threat posed by an unmanned aircraft system to public safety or when the unmanned aircraft system is involved in criminal activity.

MENTAL HEALTH PROGRAMS FOR FIRST RESPONDERS (Section 590.192)

Under current law, all peace officers and first responders are required to have a mental health check-in with a program service provider once every three to five years. This bill allows a peace officer or first responder to satisfy this requirement or complete a department-established behavioral health or mental

health program that meets enumerated requirements. This bill also adds first responder commanding officers to the list of people approved to receive notification that the check-in requirement has been met.

DEPARTMENT OF MENTAL HEALTH (Sections 632.305, 632.489, 632.492, 632.495, 632.504, 632.520, 632.580, 632.585, 632.590, 632.593, 632.595, 632.600, 632.605 & 632.610)

The bill modifies notarization requirements for applications for detention for evaluation and treatment at a mental health facility. Under this bill, no notarization will be required for the application or any affidavits, declarations, or other supporting documents filed under certain provisions of law, including when filed in court by an adult, when a peace officer takes a person into custody for detention at the facility for a period of 96 hours, when a person presents themselves at the facility and the health care provider completes the application, or if the person executing the application is an employee acting on behalf of a hospital.

Currently, if a person determined by a court to be a sexually violent predator is ordered to the Department of Mental Health (DMH), the Director of the Department determines the appropriate secure facility. This bill adds the Department of Corrections (DOC) as an option for an appropriate secure facility. The bill allows DMH to enter into an interagency agreement with DOC to confine persons determined to be sexually violent predators who have been ordered to DMH or for persons ordered to DMH after a finding of probable cause that the person is a sexually violent predator, as long as DOC has enough space and services available and the Director of DOC has agreed to provide the confinement through an interagency agreement with DMH. The interagency agreement will also be for the control and care, including health care services, of the persons committed to DMH as sexually violent predators. Persons who are under the control and care of DOC under an agreement with DMH must be housed and managed separately from offenders in the custody of DOC and must be segregated from such offenders except for occasional instances of supervised incidental contact. If DMH and DOC have entered into an interagency agreement, DOC is authorized to enter into one or more contract agreements as may be necessary to perform the agreed-upon responsibilities of DOC under the interagency agreement, as provided in the bill. DOC is also authorized to enter into one or more contract agreements with one or more licensed professionals or providers of health care services to

provide health care services for the sexually violent predators housed in DOC. DMH is authorized to enter into one or more contract agreements with one or more licensed professionals or providers of health care or mental health care services to provide health care or mental health care services to the persons ordered to DMH as sexually violent predators.

This bill establishes procedures for authorizing or continuing an individual's assisted outpatient treatment. A petition in court for such treatment may be filed by individuals specified in the bill. A court may issue an order requiring the individual to participate in assisted outpatient treatment if the individual is at least 18 years of age, is suffering from a mental disorder, will not obtain treatment in the community voluntarily, and is unable to make an informed decision to see or comply with voluntary treatment. Additional grounds for ordering treatment will consider the necessity of treatment to prevent a deterioration in the individual's mental illness likely to result in harm to the individual or others or the individual's history of lack of compliance with treatment for the illness, as described in the bill.

The bill sets forth the procedures for the hearing process, including the option for a jury trial. If the court or jury finds, by clear and convincing evidence, that the individual meets the criteria for assisted outpatient treatment and that an appropriate mental health program has agreed to accept the individual, the court will issue an order requiring the individual to participate in treatment for a period not to exceed two years, unless extended by the court as described in the bill.

Current provisions of law exempting certain professionals from civil liability for investigating, detaining, transporting, conditionally releasing, or discharging a person will apply to assisted outpatient treatment under this bill.

The court will assign a case manager from a certified community behavioral health clinic to each individual ordered to participate in assisted outpatient treatment. The case manager and individual must report to the court at least once every 90 days.

If a court determines that the individual is not complying with an order of assisted outpatient treatment, the court may order, without a hearing, that the individual be evaluated at a community mental health center, be hospitalized in a psychiatric hospital for a period of not more than 10 days, and potentially

be hospitalized for longer upon the recommendation of the community mental health center, provided such extended hospitalization does not exceed the duration of the order for assisted outpatient treatment or 90 days, whichever is less. If the individual objects to such hospitalization, the court will schedule a hearing as described in the bill.

Beginning December 1, 2028, the Office of State Courts Administrator will submit an annual report to the General Assembly regarding certain statistics of individuals receiving treatment under this bill and the impact of such treatment on hospitalization and incarceration rates.

EFFECTIVE DATES (Sections B, C & D)

This bill contains a severability clause, an emergency clause, and two delayed effective dates for various sections.