



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 1712</b>		DATE: <b>2/9/2026</b>	
COMMITTEE: <b>Corrections and Public Institutions</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/9/2026 1:26 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

I am in Full Support of this Bill and Intent. This is about Accountability and Responsibility of the Defendant's Assigned the "Monitoring-Device" to ensure that the unit is charged and doing its job of keeping the neighborhoods and community safe.



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>JOHN WHEELER</b>		PHONE NUMBER: <b>573-634-9160</b>	
BUSINESS/ORGANIZATION NAME: <b>COLE COUNTY SHERIFFS DEPARTMENT</b>		TITLE: <b>COLE COUNTY SHERIFF</b>	
ADDRESS: <b>350 EAST HIGH STREET</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL: <b>jwheeler@colecouny.org</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/9/2026 12:18 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo. Closes loopholes of current law.</b>			



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>KORTNIE HUDDLESTON</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/9/2026 9:50 PM</b>	

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

I stand in firm opposition to this bill to expand felony penalties for tampering with electronic monitoring equipment. This legislation is a punitive escalation that will deepen systemic inequalities, worsen mass incarceration, and ignore the root causes of the behaviors it claims to address.

Electronic monitoring is an extension of the carceral state. It disproportionately impacts poor communities and people of color, replacing physical prison walls with digital ones. These devices often trap individuals in cycles of debt from monthly fees and restrict their ability to work, care for families, and rebuild their lives. Making it a felony to fail to charge a device, an act that could easily result from poverty, homelessness, or unstable living conditions, is a deeply unfair policy. It transforms a basic logistical or economic hardship into a new crime that carries severe lifelong consequences.

The tiered penalty structure in the bill reinforces an unequal justice system. A person's original offense dictates the new charge, ignoring the actual context of the violation. Someone struggling with poverty is at a far higher risk of a technical violation not because they are a danger to the community, but because they lack resources and stability.

Our priority should be reducing the number of people under state control, not creating new felonies. We should invest in community based solutions like stable housing, mental health services, and employment support. These address the conditions that lead to technical violations and promote real public safety.

This bill chooses punishment over compassion and surveillance over support. It will funnel more people, especially Black and brown Missourians, into prisons. I strongly urge you to reject this legislation and instead pursue policies that build equity and true community justice.



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MICHAEL DREYER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/9/2026 9:49 PM</b>	

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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/5/2026 11:56 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

**Chair and Members of the Committee—**

**HB 1712 should be firmly rejected because it criminalizes poverty, technical failure, and human error, while expanding felony liability without mens rea safeguards, due process protections, or proportionality.**

**This bill does not strengthen public safety. It manufactures new felonies out of non-criminal conduct and shifts the consequences of state-mandated surveillance failures onto the individual.**

**Core Objection**

**HB 1712 redefines “tampering” to include failure to charge electronic monitoring equipment, elevating a logistical or economic failure into a criminal offense—up to a felony.**

**That is a radical and dangerous expansion of criminal liability.**

**Why This Bill Is Unacceptable**

**1. “Failure to charge” is not criminal intent**

**The bill collapses the distinction between:**

**Intentional evasion**

**Equipment malfunction**

**Power outages**

**Poverty, homelessness, unstable housing**

**Lack of access to charging infrastructure**

**By statute, intentional removal and accidental disablement are treated as equivalent conduct.**

**That violates basic principles of criminal law.**

**Criminal statutes require intent—not inconvenience.**

**2. This bill creates strict-liability felonies by omission**

**HB 1712 punishes omission (failure to charge) without requiring proof that:**

**Charging was reasonably possible**

**Equipment functioned properly**

**The person was provided notice or means**

**The failure was willful rather than unavoidable**

**This is strict liability disguised as public safety, and it will be used disproportionately against poor, rural, disabled, and unstable defendants.**

**3. The penalty structure is constitutionally disproportionate**

**Under this bill:**

**A technical failure can become a Class E felony**

**A misdemeanor-level offense can escalate into incarceration**

**The punishment is disconnected from any actual harm**

**That violates proportionality principles and invites arbitrary enforcement.**

**4. The bill shifts state responsibility onto the monitored individual**

**Electronic monitoring is imposed by the state.**

**The equipment is chosen by the state.**

**The infrastructure requirements are known by the state.**

**Yet HB 1712 places 100% of operational risk on the wearer—even when failure is foreseeable, systemic, or preventable by the state.**

**That is punitive outsourcing of system failure.**

**5. This fits a broader cross-bill pattern of enforcement expansion without accountability**

**This legislature is advancing multiple bills that:**

**Expand felony exposure**

**Lower evidentiary thresholds**

**Penalize technical noncompliance**

**Ignore real-world feasibility**

**HB 1712 is part of that pattern—and should be evaluated as such.**

**Due Process & Civil Rights Implications**

**Criminalizing failure to charge monitoring equipment:**

**Invites false violations**

**Increases revocations without hearings**

**Chills cooperation with supervision**

**Exposes the state to civil rights litigation**

**Courts have repeatedly held that probation conditions must be realistically achievable. This bill ignores**

that precedent entirely.

#### **Bottom Line**

**HB 1712 does not target misconduct.**

**It targets people who cannot meet technological demands under real-world conditions.**

**That is not justice. It is legislative overreach.**

**Legislators who genuinely intend to serve in future General Assemblies may wish to begin by voting “No” on bills that erode legislative authority, obscure accountability, and trade transparency for administrative convenience. Governance is not measured by how much passes—but by how well the people can see what was done in their name.**

**I urge this committee to vote NO on HB 1712.**

#### **Constitutional & Legal Footnotes (for the Record)**

**Mo. Const. art. I, § 10 — Due process of law; criminal liability requires fair notice and intent.**

**Mo. Const. art. I, § 21 — Proportional punishment; penalties must relate to culpability.**

**Bearden v. Georgia, 461 U.S. 660 (1983) — The state may not punish a person for failure to comply with conditions they cannot reasonably meet due to poverty.**

**Mo. Const. art. II, § 1 — Separation of powers; administrative failures cannot be converted into criminal guilt by statute.**