

HCS HB 154 -- DEPARTMENT OF CORRECTIONS

SPONSOR: Black

COMMITTEE ACTION: Voted "do pass" by the Committee on Corrections by a vote of 13 to 0.

This substitute changes the laws regarding the Department of Corrections. In its main provisions, the substitute:

(1) Authorizes the Director of the Department of Corrections to establish, as a three-year pilot program, a mental health assessment process. Upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the case may request that an offender be placed in the department for 120 days for a mental health assessment and for treatment if it appears that the person has a mental disorder or illness that may qualify him or her for probation including community psychiatric rehabilitation programs and if the probation is appropriate and consistent with public safety. Before the judge rules on the motion, the victim must be given the opportunity to be heard by the court. Upon recommendation of the court, the department must determine the offender's eligibility for the mental health assessment process. Following the assessment and treatment period, an assessment report must be sent to the sentencing court. The court, if appropriate, may release the offender on probation to be supervised by a state probation and parole officer who must work with the Department of Mental Health to enroll eligible offenders in community psychiatric rehabilitation programs. A person convicted of certain specified serious offenses or any offense where probation or parole is prohibited or anyone who has been found to be a predatory sexual offender is not eligible for probation. At the end of the three-year pilot, the directors of the departments of Corrections and Mental Health must jointly submit recommendations by December 31, 2014, to the Governor and General Assembly on whether to expand the process statewide;

(2) Specifies that a prisoner or offender who commits sexual misconduct in the second degree in the presence of a minor or an employee of or a person assigned to work in any jail, prison, or correctional facility will be guilty of a class D felony; and

(3) Requires a person incarcerated for a sexual assault offense to successfully complete all treatment, education, and rehabilitation programs provided by the Department of Corrections prior to being eligible for parole or conditional release.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Unknown - less than \$100,000 in FY 2012, FY 2013, and FY 2104. No impact on Other State Funds in FY 2012, FY 2013, and FY 2014.

PROPONENTS: Supporters of the bill say that there are currently no significant negative consequences for inmates performing these deviant sexual acts. The state needs to provide adequate protections for corrections staff; and the consequence of more jail time will be a good deterrent for this crime.

Testifying for the bill were Representative Black; Missouri Family Network; and Leon Vickers.

OPPONENTS: There was no opposition voiced to the committee.