

HCS HB 830 -- DEPARTMENT OF CORRECTIONS PROGRAMS

SPONSOR: Jones (50)

COMMITTEE ACTION: Voted "Do Pass" by the Special Standing Committee on Corrections by a vote of 8 to 0.

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

(1) Repeals the provisions requiring circuit courts to release an offender who participates in a 120-day program of the department unless the release constitutes an abuse of discretion;

(2) Repeals the provisions specifying that if the court finds that the release would be an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within 90 to 120 days of the offender being sentenced and if the court does not respond when an offender successfully completes the program that the offender must be released on probation. The provisions requiring the Board of Probation and Parole within the department to advise the sentencing court of an offender's probationary release date 30 days prior to release upon the offender's successful completion of a shock incarceration program are also repealed;

(3) Specifies that the offender's sentence may only be executed after conducting a hearing on the matter within 90 to 120 days from the date the offender was delivered to the department instead of the date that the offender was sentenced;

(4) Specifies that if the department determines that the offender has not successfully completed a 120-day program, the offender must be removed from the program and the court advised of the removal. The department must report on an offender's participation in the program and may provide recommendations for terms and conditions of his or her probation. The court has the power to grant probation or order the execution of the offender's sentence;

(5) Specifies that the court must consider other authorized dispositions if the court is advised that an offender is not eligible for placement in a 120-day program;

(6) Requires the court to request the department to conduct a sexual offender assessment if the offender has pleaded guilty to or has been found guilty of class B felony sexual abuse offense. Upon completion of the assessment, the department must provide a report to the court and may provide recommendations for the terms and

conditions of an offender's probation; and

(7) Specifies that a sexual offender assessment cannot be considered a 120-day program and specifies the process for granting probation to an offender who has completed the assessment.

PROPONENTS: Supporters say that courts have ruled that the sexual offender assessment is deemed as part of the 120-day sex offender program. The bill changes that. The department feels that the assessment must be independent of the program so that the offender can be properly assessed and complete the entire 120-day program.

Testifying for the bill were Representative Jones (50), Department of Corrections; and Missouri Sheriffs Association.

OPPONENTS: There was no opposition voiced to the committee.