

FIRST REGULAR SESSION

HOUSE BILL NO. 583

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARTLE AND KELLEY (47) (Co-sponsors).

Read 1st time January 30, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0235L.021

AN ACT

To repeal section 559.021, RSMo 2000, relating to terms and conditions of probation, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 559.021, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 559.021, to read as follows:

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation [he], **said defendant** shall be given a [certificate] **written document or order** explicitly stating the conditions on which he is being [released] **of the probation.**

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated [amount of free] **number of hours of community service** work for a public or charitable purpose, or purposes, as determined by the judge, **such community service work to be without compensation; and**

(3) **Payment of a service fee to this state or the court, law enforcement agency, political subdivision or private entity which supervises the probation of the probationer.**

3. The defendant may refuse probation conditioned on the performance of [free]

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **community service** work. If [he] **such defendant** does so, the court shall decide the extent or
18 duration of sentence or other disposition to be imposed and render judgment accordingly. Any
19 county, city, person, organization, or agency, or employee of a county, city, organization or
20 agency charged with the supervision of such [free] **community service** work or who benefits
21 from its performance shall be immune from any suit by the defendant or any person deriving a
22 cause of action from [him] **said defendant** if such cause of action arises from such supervision
23 of performance, except for an intentional tort or gross negligence. The services performed by
24 the defendant shall not be deemed employment within the meaning of the provisions of chapter
25 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an
26 employee within the meaning of the provisions of chapter 287, RSMo.

27 4. The court may modify or enlarge the conditions of probation at any time prior to the
28 expiration or termination of the probation term.