

FIRST REGULAR SESSION

HOUSE BILL NO. 207

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

Pre-filed January 2, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0947L.011

AN ACT

To repeal section 50.565, RSMo, and to enact in lieu thereof two new sections relating to restorative justice programs.

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

Section A. Section 50.565, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 50.565 and 221.175, to read as follows:

50.565. 1. A county commission may establish by ordinance or order a fund whose
2 proceeds may be expended only for the purposes provided for in subsection 3 of this section.
3 The fund shall be designated as a county law enforcement restitution fund and shall be under the
4 supervision of a board of trustees consisting of two citizens of the county appointed by the
5 presiding commissioner of the county, two citizens of the county appointed by the sheriff of the
6 county, and one citizen of the county appointed by the county coroner or medical examiner. The
7 citizens so appointed shall not be current or former employees of the sheriff's department, the
8 office of the prosecuting attorney for the county, or the county treasurer's office. If a county does
9 not have a coroner or medical examiner, the county treasurer shall appoint one citizen to the
10 board of trustees.

11 2. Money from the county law enforcement restitution fund shall only be expended upon
12 the approval of a majority of the members of the county law enforcement restitution fund's board
13 of trustees and only for the purposes provided for by subsection 3 of this section.

14 3. Money from the county law enforcement restitution fund shall only be expended for
15 the following purposes:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16 (1) Narcotics investigation, prevention, and intervention;
17 (2) Purchase of law enforcement-related equipment and supplies for the sheriff's office;
18 (3) Matching funds for federal or state law enforcement grants;
19 (4) Funding for the reporting of all state and federal crime statistics or information; and
20 (5) Any law enforcement-related expense, including **restorative justice programs and**
21 those **expenses** of the prosecuting attorney, approved by the board of trustees for the county law
22 enforcement restitution fund that is reasonably related to investigation, charging, preparation,
23 trial, and disposition of criminal cases before the courts of the state of Missouri.
- 24 4. The county commission may not reduce any law enforcement agency's budget as a
25 result of funds the law enforcement agency receives from the county law enforcement restitution
26 fund. The restitution fund is to be used only as a supplement to the law enforcement agency's
27 funding received from other county, state, or federal funds.
- 28 5. County law enforcement restitution funds shall be audited as are all other county
29 funds.
- 30 6. [No court may order the assessment and payment authorized by this section if the plea
31 of guilty or the finding of guilt is to the charge of speeding, careless and imprudent driving, any
32 charge of violating a traffic control signal or sign, or any charge which is a class C misdemeanor
33 or an infraction.] No assessment and payment ordered pursuant to this section may exceed three
34 hundred dollars for any charged offense.

221.175. 1. The county commission or other governing body and the sheriff may
2 **establish a program of restorative justice within the county or regional jail and require**
3 **offenders to offer acts and expressions of sincere remorse for the offense committed and**
4 **its impact on the victim or victims in the community. Such program requirements may**
5 **include, but are not limited to, community service work requirements while jailed, and**
6 **participation in victim-oriented programs, as well as other restorative activities to be**
7 **determined by the sheriff.**

8 **2. Any person sentenced to a county jail may be granted the privilege of leaving the**
9 **jail during necessary and reasonable hours for the purpose of participating in a restorative**
10 **justice program.**

11 **3. Unless the privilege is expressly granted by the sentencing court, the prisoner is**
12 **sentenced to ordinary confinement. A prisoner may petition the sentencing court for the**
13 **privilege at the time of sentence, or thereafter, and in the discretion of the sentencing court,**
14 **may renew the prisoner's petition. The sentencing court may withdraw the privilege at any**
15 **time by order entered with or without notice.**

16 **4. The sheriff may refuse to permit the prisoner to exercise his or her privilege to**
17 **leave the jail as provided in this section for not to exceed five consecutive days for any**
18 **breach of discipline or other violation of jail regulations.**

19 **5. In the case of a violation of the law or jail regulations, the prisoner shall be**
20 **returned to the sentencing court. The court may require the prisoner to spend the balance**
21 **of his or her sentence in actual confinement and may deny any diminution of the prisoner's**
22 **term.**

23 **6. Any sheriff may suspend the operation of this section after consulting with the**
24 **sentencing court when proper facilities are not available.**

25 **7. In the discretion of the sentencing court, any prisoner granted privileges under**
26 **this section who serves in an orderly and peaceful manner at least three-fourths of the time**
27 **for which the prisoner was sentenced may be discharged in the same manner as if the**
28 **prisoner had served the full term for which he or she was sentenced.**

29 **8. Every person, organization, and agency, and each employee thereof, who**
30 **supervises a person under the provision of the restorative justice program, or who benefits**
31 **from any services performed under this section shall be immune from any suit by the**
32 **person or prisoner performing services under this section, or a person deriving a cause of**
33 **action from such person, if such cause of action arises from the supervision of the**
34 **prisoner's performances of services under this section, and if such cause of action does not**
35 **arise from intentional or any wanton, willful, or malicious conduct. A person performing**
36 **services under the restorative justice program shall not be deemed an employee within the**
37 **meaning of the provisions of Missouri law.**

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