

FIRST REGULAR SESSION

HOUSE BILL NO. 404

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRANZ (Sponsor) AND POLLOCK (Co-sponsor).

1235L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 50.565, RSMo, and to enact in lieu thereof two new sections relating to county inmate work and service programs, with a penalty provision.

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Section A. Section 50.565, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 50.565 and 221.175, to read as follows: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 proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county law enforcement restitution fund and shall be under the supervision of a board of trustees consisting of two citizens of the county appointed by the presiding commissioner of the county, two citizens of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county coroner or medical examiner. The citizens so appointed shall not be current or former elected officials, current or former employees of the sheriff's department, the office of the prosecuting attorney for the county, office of the county commissioners, or the county treasurer's office. If a county does not have a coroner or medical examiner, the county treasurer shall appoint one citizen to the board of trustees.

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

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

(1) Narcotics investigation, prevention, and intervention;

(2) Purchase of law enforcement-related equipment and supplies for the sheriff's office;

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.

- 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 county law enforcement-related expense, including those of the prosecuting
- 21 attorney **and county inmate work and service programs**, approved by the board of trustees for
- 22 the county law enforcement restitution fund that is reasonably related to investigation, charging,
- 23 preparation, 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. **Except in counties that have established an inmate work and service program,**
- 31 no court may order the assessment and payment authorized by this section if the plea of guilty
- 32 or the finding of guilt is to the charge of speeding, careless and imprudent driving, any charge
- 33 of violating a traffic control signal or sign, or any charge which is a class C misdemeanor or an
- 34 infraction. **In counties that have established an inmate work and service program, no**
- 35 **assessment and payment ordered pursuant to this section may exceed ten dollars if the plea**
- 36 **of guilty or the finding of guilt is to the charge of speeding, careless and imprudent driving,**
- 37 **any charge of violating a traffic control signal or sign, or any charge which is a class C**
- 38 **misdemeanor or an infraction. In all other cases, no assessment and payment ordered**
- 39 **pursuant to this section may exceed three hundred dollars for any charged offense.**
- 2021.175. 1. **The county commission, or other governing body, and the sheriff may**
- 2 **establish an inmate work and service program within the county or regional jail. Such**
- 3 **program requirements may include, but are not limited to community work requirements**
- 4 **while jailed as well as other activities to be determined by the sheriff.**
- 5 2. **Unless privilege is expressly granted by the sentencing court, the prisoner is**
- 6 **sentenced to ordinary confinement. Prisoner may petition the sentencing court for the**
- 7 **privilege at the time of sentence, or thereafter, and in the discretion of the sentencing court,**
- 8 **may renew his petition. The sentencing court may withdraw the privilege at any time by**
- 9 **order entered with or without notice.**
- 10 3. **The sheriff may refuse to permit the prisoner to exercise the privilege to leave**
- 11 **the jail as provided in this section for any safety concern, for any breach of discipline or**
- 12 **other violation of jail regulations, and for other administrative reasons.**

13 **4. In the case of a violation of the law or jail regulations, the prisoner shall be**
14 **returned to the sentencing court; and it may require that the balance of the sentence be**
15 **spent in actual confinement and may deny any diminution of his or her term.**

16 **5. Any sheriff may suspend the operation of this section after consulting with the**
17 **sentencing court when proper facilities or staffing are not available.**

18 **6. In the discretion of the sentencing court, any prisoner granted privileges**
19 **pursuant to this section who serves at least three-fourths of the time for which he or she**
20 **may have been sentenced in an orderly and peaceful manner may receive credit by the**
21 **sentencing court for part or all of the remaining sentence in the same manner as if the**
22 **prisoner had served the full term for which sentenced.**

23 **7. Every person, organization, and agency, and each employee thereof who**
24 **supervises a person under the provisions of the restorative justice program, or who benefits**
25 **from any services performed under these sections, shall be immune from any suit by the**
26 **person or prisoner performing services under this section, or a person deriving any cause**
27 **of action from such person, if such cause of action arises from the supervision of the**
28 **prisoner's performance of services under this section, and if such cause of action does not**
29 **arise from intentional or any wanton, willful, or malicious conduct. A person performing**
30 **services under the restorative justice program shall not be deemed an employee within the**
31 **meaning of the provisions of Missouri law.**

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