

HB 1525 -- Justice Reinvestment Act

Sponsor: Fuhr

This bill establishes the Justice Reinvestment Act and changes the laws regarding criminal offenders under the supervision of the Department of Corrections.

SENTENCING AND CORRECTIONS OVERSIGHT COMMISSION

The bill creates a 13-member Sentencing and Corrections Oversight Commission to monitor and assist in the implementation of these provisions, determine ways to reinvest any cost savings realized from the passage of these provisions to pay for continued implementation and other evidence-based practices to reduce recidivism, and examine the issue of restitution for crime victims.

The members of the commission will include a circuit court judge appointed by the Chief Justice of the Supreme Court; three members to be appointed by the Governor with the advice and consent of the Senate, one must be a victim's advocate, one must be a representative from the Missouri Sheriffs' Association, and one must be representative of the Missouri Association of Counties; and the following ex officio, voting members: the chair of the Senate Judiciary committee, who will serve as co-chair; the chair of the House Appropriations-Public Safety and Corrections committee, who will serve as co-chair; the director of the Missouri State Public Defender System; the Executive Director of the Missouri Office of Prosecution Services; the Director of the Department of Corrections; the Chairman of the Board of Probation and Parole within the Department of Corrections; and the Chief Justice of the Missouri Supreme Court. The members will serve in staggered four-year terms.

The commission must meet at least twice a year and the first meeting must occur by February 28, 2013. The commission must issue a report on December 31, 2013, and every year thereafter, to the Speaker of the House of Representatives, President Pro Tem of the Senate, Missouri Supreme Court Chief Justice, and the Governor detailing the effects of the implementation of these provisions. It may also recommend ways to reinvest any cost savings into evidence-based practices to reduce recidivism and possible changes to sentencing and corrections policies and statutes.

The department must provide administrative support to the commission to carry out these duties. No member of the commission can receive any compensation, but those members who are not otherwise reimbursed by their agency will be reimbursed

for travel and necessary expenses incurred in the performance of their duties.

EARNED COMPLIANCE CREDITS

The Division of Probation and Parole must award earned compliance credits to any nonviolent offender who is placed on probation, parole, or conditional release for a class C or D felony or a violation of a drug crime in Chapter 195, RSMo, is supervised by the board, and is in compliance with the conditions of supervision imposed by the sentencing court or board. Earned compliance credits must reduce the term of probation, parole, or conditional release by 30 days for each full calendar month of compliance with all terms of supervision, but may be suspended or rescinded if the offender violates the conditions of supervision. An offender deemed to be an absconder, as defined in the bill, cannot earn credits.

Once the combination of time served in custody; on probation, parole, or conditional release; and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court must order final discharge of the offender if the offender has completed at least two years of his or her sentence in custody or on probation or parole.

At least twice a year, the division must calculate the number of months the offender has remaining on supervision, taking into consideration any earned credits, and notify the offender of the length of the remaining term.

ADMINISTRATIVE JAIL SANCTIONS

The bill allows, as an alternative to the revocation proceeding, a probation or parole officer to place an offender in the county jail for a short period of time when the officer believes the offender has violated a condition of probation or parole unless the court has otherwise required detention to be a condition of probation. The first period of detention cannot exceed 48 hours, but subsequent periods may exceed 48 hours. However, the total cannot exceed 360 hours in any year. The officer must present the offender with a report detailing the violation and advise the offender of the right to a hearing before the court or board prior to the period of detention. The officer must, to the extent feasible, impose the period of detention during days and times when the offender is not otherwise scheduled to work.

The division must reimburse the county jail for the costs of detention at a rate to be determined by the department which must be at least \$30 per day per offender and subject to appropriation by the General Assembly. Prior to ordering the offender to

detention, the officer must certify to the county jail that the division has sufficient funds to provide reimbursement. A jail may refuse to detain an offender if funds are not available or there is inadequate space in the facility.

Upon successful completion of the period of detention, the court or board cannot revoke the term of parole, probation, or conditional release or impose additional periods of detention for the same incident. If the offender fails to complete the period of detention, he or she may be arrested.

MANDATORY PLACEMENT IN 120-DAY PROGRAM

If a continuation, modification, enlargement, or extension of the probation period is not appropriate, the court must order certain offenders to be placed in one of the department's 120-day programs when the offender violated a condition of probation. A nonviolent offender who is on probation for a class C or D felony or a drug offense; who has not already been placed in a 120-day program for the same offense or during the same probation term; whose probation violation does not involve absconding or being arrested on suspicion of, being found guilty of, or pleading guilty to any crime; and who has not violated any conditions of probation involving the possession or use of weapons or a stay-away condition will be eligible for placement in one of these programs. Upon receiving the order from the court for placement, the department must conduct an assessment and place the offender in the appropriate 120-day program, including shock incarceration or institutional treatment. Once the offender has completed the program, the court must release the offender to continue to serve the term of probation without modifying, enlarging, or extending the term based on the same violation. Time served in the program must be credited as time served against the offender's sentence.