

FIRST REGULAR SESSION

HOUSE BILL NO. 595

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

1343H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 217.703, RSMo, and to enact in lieu thereof one new section relating to earned compliance credits.

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

Section A. Section 217.703, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.703, to read as follows:

217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding the offenses of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, abuse of a child, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

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.

17 2. If an offender was placed on probation, parole, or conditional release for an offense
18 of:

19 (1) Involuntary manslaughter in the second degree;

20 (2) Assault in the second degree except under subdivision (2) of subsection 1 of section
21 565.052 or section 565.060 as it existed prior to January 1, 2017;

22 (3) Domestic assault in the second degree;

23 (4) Assault in the third degree when the victim is a special victim or assault of a law
24 enforcement officer in the second degree as it existed prior to January 1, 2017;

25 (5) Statutory rape in the second degree;

26 (6) Statutory sodomy in the second degree;

27 (7) Endangering the welfare of a child in the first degree under subdivision (1) of
28 subsection 1 of section 568.045; or

29 (8) Any case in which the defendant is found guilty of a felony offense under chapter
30 571;

31 the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney,
32 make a finding that the offender is ineligible to earn compliance credits because the nature and
33 circumstances of the offense or the history and character of the offender indicate that a longer
34 term of probation, parole, or conditional release is necessary for the protection of the public or
35 the guidance of the offender. The motion may be made any time prior to the first month in which
36 the person may earn compliance credits under this section. The offender's ability to earn credits
37 shall be suspended until the court or board makes its finding. If the court or board finds that the
38 offender is eligible for earned compliance credits, the credits shall begin to accrue on the first
39 day of the next calendar month following the issuance of the decision.

40 3. Earned compliance credits shall reduce the term of probation, parole, or conditional
41 release by thirty days for each full calendar month of compliance with the terms of supervision.
42 Credits shall begin to accrue for eligible offenders after the first full calendar month of
43 supervision or on October 1, 2012, if the offender began a term of probation, parole, or
44 conditional release before September 1, 2012.

45 4. For the purposes of this section, the term "compliance" shall mean the absence of an
46 initial violation report submitted by a probation or parole officer during a calendar month, or a
47 motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the
48 offender.

49 5. Credits shall not accrue during any calendar month in which a violation report has
50 been submitted or a motion to revoke or motion to suspend has been filed, and shall be
51 suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the
52 court or board finds that the violation did not occur, then the offender shall be deemed to be in

53 compliance and shall begin earning credits on the first day of the next calendar month following
54 the month in which the report was submitted or the motion was filed. All earned credits shall
55 be rescinded if the court or board revokes the probation or parole or the court places the offender
56 in a department program under subsection 4 of section 559.036. Earned credits shall continue
57 to be suspended for a period of time during which the court or board has suspended the term of
58 probation, parole, or release, and shall begin to accrue on the first day of the next calendar month
59 following the lifting of the suspension.

60 6. Offenders who are deemed by the division to be absconders shall not earn credits. For
61 purposes of this subsection, "absconder" shall mean an offender under supervision who has left
62 such offender's place of residency without the permission of the offender's supervising officer
63 for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder
64 when such offender is available for active supervision.

65 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination
66 of time served in custody, if applicable, time served on probation, parole, or conditional release,
67 and earned compliance credits satisfy the total term of probation, parole, or conditional release,
68 the board or sentencing court shall order final discharge of the offender, so long as the offender
69 has completed at least two years of his or her probation or parole, which shall include any time
70 served in custody under section 217.718 and sections 559.036 and 559.115.

71 8. The award or rescission of any credits earned under this section shall not be subject
72 to appeal or any motion for postconviction relief.

73 9. At least twice a year, the division shall calculate the number of months the offender
74 has remaining on his or her term of probation, parole, or conditional release, taking into
75 consideration any earned compliance credits, and notify the offender of the length of the
76 remaining term.

77 10. No less than sixty days before the date of final discharge, the division shall notify
78 the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of
79 the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney
80 upon receiving such notice does not take any action under subsection 5 of this section, the
81 offender shall be discharged under subsection 7 of this section.

82 11. Any offender who was sentenced prior to January 1, 2017, to an offense that was
83 eligible for earned compliance credits under subsection 1 or 2 of this section at the time of
84 sentencing shall continue to remain eligible for earned compliance credits so long as the offender
85 meets all the other requirements provided under this section.

86 **12. No person shall be discharged from probation, parole, or conditional release**
87 **under the provisions of this section if at the final discharge date there remains any unpaid**
88 **court costs, or other unfulfilled condition of probation, parole, or conditional release,**

89 **unless specifically authorized by the sentencing court. However, no person ordered by the**
90 **court to pay restitution shall be released from probation, parole, or conditional release**
91 **until such restitution is complete.**

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