

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2397
99TH GENERAL ASSEMBLY

6314H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.507, 217.010, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof thirty-three new sections relating to administration of the criminal justice system.

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

Section A. Sections 43.507, 217.010, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 43.507, 217.010, 217.015, 217.021, 217.030, 217.075, 217.361, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, 610.250, and 650.035, to read as follows:

43.507. All criminal history information, in the possession or control of the central repository, except criminal intelligence and investigative information, may be made available to qualified persons and organizations for research, evaluative and statistical purposes under written agreements reasonably designed to ensure the security and confidentiality of the information and the protection of the privacy interests of the individuals who are subjects of the criminal history. ~~[Prior to such information being made available, information that uniquely identifies the individual shall be deleted. Organizations receiving such criminal history information shall not reestablish the identity of the individual and associate it with the criminal history information being provided.]~~

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.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

- 3 (1) "Administrative segregation unit", a cell for the segregation of offenders from the
4 general population of a facility for relatively extensive periods of time;
- 5 (2) "Board", the **parole** board [~~of probation and parole~~];
- 6 (3) "Chief administrative officer", the institutional head of any correctional facility or
7 his designee;
- 8 (4) "Correctional center", any premises or institution where incarceration, evaluation,
9 care, treatment, or rehabilitation is provided to persons who are under the department's authority;
- 10 (5) "Department", the department of corrections of the state of Missouri;
- 11 (6) "Director", the director of the department of corrections or his designee;
- 12 (7) "Disciplinary segregation", a cell for the segregation of offenders from the general
13 population of a correctional center because the offender has been found to have committed a
14 violation of a division or facility rule and other available means are inadequate to regulate the
15 offender's behavior;
- 16 (8) "Division", a statutorily created agency within the department or an agency created
17 by the departmental organizational plan;
- 18 (9) "Division director", the director of a division of the department or his designee;
- 19 (10) "Local volunteer community board", a board of qualified local community
20 volunteers selected by the court for the purpose of working in partnership with the court and the
21 department of corrections in a reparative probation program;
- 22 (11) "Nonviolent offender", any offender who is convicted of a crime other than murder
23 in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or
24 second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape,
25 sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first
26 degree;
- 27 (12) "Offender", a person under supervision or an inmate in the custody of the
28 department;
- 29 (13) "Probation", a procedure under which a defendant found guilty of a crime upon
30 verdict or plea is released by the court without imprisonment, subject to conditions imposed by
31 the court and subject to the supervision of the board;
- 32 (14) "Volunteer", any person who, of his own free will, performs any assigned duties for
33 the department or its divisions with no monetary or material compensation.

217.015. 1. The department shall supervise and manage all correctional centers, and
2 probation and parole of the state of Missouri.

3 2. The department shall be composed of the **parole board and the** following divisions:

- 4 (1) The division of human services;
5 (2) The division of adult institutions;
6 (3) The ~~board~~ **division** of probation and parole; and
7 (4) The division of offender rehabilitative services.

8 3. Each division may be subdivided by the director into such sections, bureaus, or offices
9 as is necessary to carry out the duties assigned by law.

10 4. The department shall operate a women offender program to be supervised by a
11 director of women's programs. The purpose of the women offender program shall be to ensure
12 that female offenders are provided a continuum of **gender-responsive and trauma-informed**
13 supervision strategies and program services reflecting best practices for female probationers,
14 prisoners and parolees in areas including, but not limited to, classification, diagnostic processes,
15 facilities, medical and mental health care, child custody, and visitation.

16 5. There shall be an advisory committee under the direction of the director of women's
17 programs. The members of the committee shall include the director of the office on women's
18 health, the director of the department of mental health or a designee, and four others appointed
19 by the director of the department of corrections. The committee shall address the needs of
20 women in the criminal justice system as they are affected by the changes in their community,
21 family concerns, the judicial system and the organization and available resources of the
22 department of corrections.

**217.021. 1. The department shall establish and implement a community behavioral
2 health program to provide comprehensive community-based services for individuals under
3 the supervision of the department who have serious behavioral health conditions.**

4 **2. The department shall, in collaboration with the department of mental health:**
5 **(1) Establish a referral and evaluation process for access to the program;**
6 **(2) Establish eligibility criteria that include consideration of recidivism risk and
7 behavioral health condition severity;**

8 **(3) Establish discharge criteria and processes, with a goal of establishing a seamless
9 transition to post-program services to decrease recidivism; and**

10 **(4) Develop multidisciplinary program oversight, auditing, and evaluation
11 processes that shall include:**

12 **(a) Oversight authority of program case management services through the
13 department of mental health;**

14 **(b) Provider performance and outcome metrics; and**

15 **(c) Reports to the legislature and the governor on the status of the program as
16 requested.**

17 **3. The department of mental health shall, in collaboration with the department of**
18 **corrections:**

19 **(1) Contract for and pay behavioral health service providers under the program;**

20 **(2) Supervise, support, and monitor referral caseloads and the provision of services**
21 **by contract behavioral health service providers;**

22 **(3) Require that contract behavioral health service providers:**

23 **(a) Accept all eligible referrals, provide individualized care delivered through**
24 **integrated multidisciplinary care teams, and continue services on an ongoing basis until**
25 **established discharge criteria are met;**

26 **(b) Accept reimbursement on a per-month, per-referral basis and ensure that the**
27 **payment schedule is based on a pay-for-performance model that includes consideration of**
28 **identified outcomes and the level of services required; and**

29 **(c) Bill third parties for services.**

217.030. The director shall appoint the directors of the divisions of the department,
2 except the chairman of the **parole** board [~~of probation and parole~~], who shall be appointed by
3 the governor [~~and who shall serve as the director of the division of probation and parole~~].
4 Division directors shall serve at the pleasure of the director, except the chairman of the **parole**
5 board [~~of probation and parole~~], who shall serve in the capacity of chairman at the pleasure of
6 the governor. The director of the department shall be the appointing authority under chapter 36
7 to employ such administrative, technical, and other personnel who may be assigned to the
8 department generally rather than to any of the department divisions or facilities and whose
9 employment is necessary for the performance of the powers and duties of the department.

217.075. 1. All offender records compiled, obtained, prepared, or maintained by the
2 department or its divisions shall be designated public records within the meaning of chapter 610
3 except:

4 (1) Any information, report, record or other document pertaining to an offender's
5 personal medical history, which shall be a closed record;

6 (2) Any information, report, record, or other document in the control of the department
7 or its divisions authorized by federal or state law to be a closed record;

8 (3) Any internal administrative report or document relating to institutional security.

9 2. The court of jurisdiction, or the department, may at their discretion permit the
10 inspection of the department reports or parts of such reports by the offender, whenever the court
11 or department determines that such inspection is in the best interest or welfare of the offender.

12 3. [~~The~~] Department **records** may [~~permit inspection of its files by~~] **be automated and**
13 **made available to:**

14 **(1) Treatment agencies working with the department in the treatment of the offender;**

15 **(2) Law enforcement agencies; or**

16 **(3) Qualified persons and organizations for research, evaluative, and statistical**
17 **purposes under written agreements reasonably designed to ensure the security and**
18 **confidentiality of the information and the protection of the privacy interests of the**
19 **individuals who are subjects of the records.**

20 4. No department employee shall have access to any material closed by this section
21 unless such access is necessary for the employee to carry out his **or her** duties. The department
22 by rule shall determine what department employees or other persons shall have access to closed
23 records and the procedures needed to maintain the confidentiality of such closed records.

24 5. No person, association, firm, corporation, or other agency shall knowingly solicit,
25 disclose, receive, publish, make use of, authorize, permit, participate in, or acquiesce in the use
26 of any name or lists of names for commercial or political purposes of any nature in violation of
27 this section.

28 6. All health care providers and hospitals who have cared for offenders during the period
29 of the offender's incarceration shall provide a copy of all medical records in their possession
30 related to such offender upon demand from the department's health care administrator. The
31 department shall provide reasonable compensation for the cost of such copies and no health care
32 provider shall be liable for breach of confidentiality when acting pursuant to this subsection.

33 7. Copies of all papers, documents, or records compiled, obtained, prepared, or
34 maintained by the department or its divisions, properly certified by the appropriate division, shall
35 be admissible as evidence in all courts and in all administrative tribunals in the same manner and
36 with like effect as the originals, whenever the papers, documents, or records are either designated
37 by the department of corrections as public records within the meaning of chapter 610 or are
38 declared admissible as evidence by a court of competent jurisdiction or administrative tribunal
39 of competent jurisdiction.

40 8. Any person found guilty of violating the provisions of this section shall be guilty of
41 a class A misdemeanor.

217.361. 1. The department shall adopt streamlined, validated risk and need
2 **assessment tools for men and women and review the tools and scoring cutoffs every five**
3 **years for predictive validity across gender and racial groups.**

4 **2. This subsection applies to all programs operated with department funding. The**
5 **department shall develop procedures to promote the use of:**

6 **(1) Risk and need assessment and appropriate risk and need levels to prioritize**
7 **access to programs;**

8 **(2) Consistent criteria for admission into programs; and**

9 **(3) Recidivism measurement by risk and need level as part of assessing the**
10 **effectiveness of programs.**

11 **3. For offenders under supervision, the department shall:**

12 **(1) Implement evidence-based cognitive-behavioral programs;**

13 **(2) Adopt behavior response policy guiding sanction and incentive responses; and**

14 **(3) Adopt policy for readministration of risk and need assessment tools to guide**
15 **case management practices and supervision level.**

16 **4. For department staff in institutional and community settings, the department**
17 **shall:**

18 **(1) Require periodic training on how to complete risk and need assessment tools**
19 **and apply the results in making decisions affecting client interactions and program**
20 **placements;**

21 **(2) Provide training on how to maximize client interactions and use of case plans;**
22 **and**

23 **(3) Measure staff performance against best practices.**

24 **5. For community-based mental health treatment programs, the department shall**
25 **adopt a protocol to collect data on quality assurance.**

26 **6. The department shall adopt performance metrics to report on supervision**
27 **outcomes.**

217.655. 1. The **parole** board [~~of probation and parole~~] shall be responsible for
2 determining whether a person confined in the department shall be paroled or released
3 conditionally as provided by section 558.011. The board shall **receive administrative support**
4 **from the division of probation and parole. The division of probation and parole shall**
5 provide supervision to all persons referred by the circuit courts of the state as provided by
6 sections 217.750 and 217.760. **The board shall exercise independence in making decisions**
7 **about individual cases but operate cooperatively within the department and with other**
8 **agencies, officials, courts, and stakeholders to achieve systemic improvement including the**
9 **requirements of this section.**

10 **2. The board shall adopt parole guidelines to:**

11 **(1) Preserve finite prison capacity for the most serious and violent offenders;**

12 **(2) Release supervision-manageable cases consistent with section 217.690;**

13 **(3) Use finite resources guided by validated risk and needs assessments;**

14 **(4) Support a seamless reentry process;**

15 **(5) Set appropriate conditions of supervision; and**

16 **(6) Develop effective strategies for responding to violation behaviors.**

17 **3. The board shall collect, analyze, and apply data in carrying out its**
18 **responsibilities to achieve its mission and end goals. The board shall establish agency**
19 **performance and outcome measures that are directly responsive to statutory**
20 **responsibilities and consistent with agency goals for release decisions, supervision,**
21 **revocation, recidivism, and caseloads.**

22 **4. The board shall publish parole data, including grant rates, revocation and**
23 **recidivism rates, length of time served, and successful supervision completions, and other**
24 **performance metrics.**

25 **5. The board shall provide for appropriate training to members and staff, including**
26 **communication skills.**

27 **6. The [board] division of probation and parole** shall provide such programs as
28 necessary to carry out its responsibilities consistent with its goals and statutory obligations.

217.665. 1. Beginning August 28, 1996, the **parole** board [~~of probation and parole~~] shall
2 consist of seven members appointed by the governor by and with the advice and consent of the
3 senate.

4 2. Beginning August 28, 1996, members of the board shall be persons of recognized
5 integrity and honor, known to possess education and ability in decision making through career
6 experience and other qualifications for the successful performance of their official duties. Not
7 more than four members of the board shall be of the same political party.

8 3. At the expiration of the term of each member and of each succeeding member, the
9 governor shall appoint a successor who shall hold office for a term of six years and until his
10 successor has been appointed and qualified. Members may be appointed to succeed themselves.

11 4. Vacancies occurring in the office of any member shall be filled by appointment by the
12 governor for the unexpired term.

13 5. The governor shall designate one member of the board as chairman and one member
14 as vice chairman. The chairman shall [~~be the director of the division and shall have charge of~~
15 ~~the division's operations, funds and expenditures~~] **establish the duties and responsibilities of**
16 **the members of the board and supervise their performance and may require reports from**
17 **any member as to his or her conduct and exercise of duties.** In the event of the chairman's
18 removal, death, resignation, or inability to serve, the vice chairman shall act as chairman upon
19 written order of the governor or chairman.

20 6. Members of the board shall devote full time to the duties of their office and before
21 taking office shall subscribe to an oath or affirmation to support the Constitution of the United
22 States and the Constitution of the State of Missouri. The oath shall be signed in the office of the
23 secretary of state.

24 7. The annual compensation for each member of the board whose term commenced
25 before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including
26 prior salary adjustments, provided pursuant to section 105.005. Salaries for board members
27 whose terms commence after August 27, 1999, shall be set as provided in section 105.950;
28 provided, however, that the compensation of a board member shall not be increased during the
29 member's term of office, except as provided in section 105.005. In addition to compensation
30 provided by law, the members shall be entitled to reimbursement for necessary travel and other
31 expenses incurred pursuant to section 33.090.

32 8. Any person who served as a member of the board of probation and parole prior to July
33 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state
34 employees' retirement system as a special consultant on the problems of retirement, aging and
35 other state matters. As compensation for such services, such consultant shall not be denied use
36 of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter
37 104, provided such sick leave was maintained by the board of probation and parole in the regular
38 course of business prior to July 1, 2000, but only to the extent of such sick leave records are
39 consistent with the rules promulgated pursuant to section 36.350. Nothing in this section shall
40 authorize the use of any other form of leave that may have been maintained by the board prior
41 to July 1, 2000.

 217.670. 1. The board shall adopt an official seal of which the courts shall take official
2 notice.

3 2. Decisions of the board regarding granting of paroles, extensions of a conditional
4 release date or revocations of a parole or conditional release shall be by a majority vote of the
5 hearing panel members. The hearing panel shall consist of one member of the board and two
6 hearing officers appointed by the board. A member of the board may remove the case from the
7 jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days
8 of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional
9 release, the offender may appeal the decision of the hearing panel to the board. The board shall
10 consider the appeal within thirty days of receipt of the appeal. The decision of the board shall
11 be by majority vote of the board members and shall be final.

12 3. The orders of the board shall not be reviewable except as to compliance with the terms
13 of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

14 4. The board shall keep a record of its acts and shall notify each correctional center of
15 its decisions relating to persons who are or have been confined in such correctional center.

16 5. Notwithstanding any other provision of law, any meeting, record, or vote, of
17 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or
18 closed vote.

19 6. Notwithstanding any other provision of law, when the appearance or presence of an
20 offender before the board or a hearing panel is required for the purpose of deciding whether to
21 grant conditional release or parole, extend the date of conditional release, revoke parole or
22 conditional release, or for any other purpose, such appearance or presence may occur by means
23 of a videoconference at the discretion of the board. Victims having a right to attend parole
24 hearings may testify either at the site where the board is conducting the videoconference or at the
25 institution where the offender is located. The use of videoconferencing in this section shall be
26 at the discretion of the board, and shall not be utilized if either ~~[the offender,]~~ the victim or the
27 victim's family objects to it.

 217.690. 1. ~~[When in its opinion there is reasonable probability that an offender of a~~
2 ~~correctional center can be released without detriment to the community or to himself, the board~~
3 ~~may in its discretion release or parole such person except as otherwise prohibited by law.] All~~
4 **releases or paroles** shall issue upon order of the board, duly adopted.

5 2. Before ordering the parole of any offender, the board shall **conduct a validated risk**
6 **and needs assessment and evaluate the case under the rules governing parole that are**
7 **promulgated by the board. The board shall then** have the offender appear before a hearing
8 panel and shall conduct a personal interview with him **or her**, unless waived by the offender, **or**
9 **if the guidelines indicate the offender may be paroled without need for an interview. A**
10 **parole hearing shall be held if there is a request by a victim or prosecuting attorney. The**
11 **appearance or presence may occur by means of a videoconference at the discretion of the**
12 **board.** A parole ~~[shall]~~ **may** be ordered ~~[only for the best interest of society]~~ **when there is a**
13 **reasonable probability, based on the risk assessment and indicators of release readiness,**
14 **that the person can be supervised under parole supervision and successfully reintegrated**
15 **into the community,** not as an award of clemency; it shall not be considered a reduction of
16 sentence or a pardon. ~~[An offender shall be placed on parole only when the board believes that~~
17 ~~he is able and willing to fulfill the obligations of a law-abiding citizen.]~~ **Parole shall not be**
18 **denied simply in order to increase the punishment beyond the minimum prison term.**
19 Every offender while on parole shall remain in the legal custody of the department but shall be
20 subject to the orders of the board.

21 3. The ~~[board]~~ **division of probation and parole** has discretionary authority to require
22 the payment of a fee, not to exceed sixty dollars per month, from every offender placed under
23 ~~[board]~~ **division** supervision on probation, parole, or conditional release, to waive all or part of
24 any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity
25 for fee collections services. All fees collected shall be deposited in the inmate fund established
26 in section 217.430. Fees collected may be used to pay the costs of contracted collections
27 services. The fees collected may otherwise be used to provide community corrections and

28 intervention services for offenders. Such services include substance abuse assessment and
29 treatment, mental health assessment and treatment, electronic monitoring services, residential
30 facilities services, employment placement services, and other offender community corrections
31 or intervention services designated by the ~~board~~ **division of probation and parole** to assist
32 offenders to successfully complete probation, parole, or conditional release. The board shall
33 adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
34 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

35 4. The board shall adopt rules not inconsistent with law, in accordance with section
36 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
37 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
38 recite the conditions of such parole.

39 5. When considering parole for an offender with consecutive sentences, the minimum
40 term for eligibility for parole shall be calculated by adding the minimum terms for parole
41 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
42 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

43 6. Any offender under a sentence for first degree murder who has been denied release
44 on parole after a parole hearing shall not be eligible for another parole hearing until at least three
45 years from the month of the parole denial; however, this subsection shall not prevent a release
46 pursuant to subsection 4 of section 558.011.

47 7. **A victim who has requested an opportunity to be heard shall receive notice that**
48 **the board is conducting an assessment of the offender's risk and readiness for release and**
49 **that the victim's input will be particularly helpful when it pertains to safety concerns and**
50 **specific protective measures that may be beneficial to the victim should the offender be**
51 **granted release.**

52 8. Parole hearings shall, at a minimum, contain the following procedures:

53 (1) The victim or person representing the victim who attends a hearing may be
54 accompanied by one other person;

55 (2) The victim or person representing the victim who attends a hearing shall have the
56 option of giving testimony in the presence of the inmate or to the hearing panel without the
57 inmate being present;

58 (3) The victim or person representing the victim may call or write the parole board rather
59 than attend the hearing;

60 (4) The victim or person representing the victim may have a personal meeting with a
61 board member at the board's central office;

62 (5) The judge, prosecuting attorney or circuit attorney and a representative of the local
63 law enforcement agency investigating the crime shall be allowed to attend the hearing or provide
64 information to the hearing panel in regard to the parole consideration; and

65 (6) The board shall evaluate information listed in the juvenile sex offender registry
66 pursuant to section 211.425, provided the offender is between the ages of seventeen and
67 twenty-one, as it impacts the safety of the community.

68 ~~[8-]~~ 9. The board shall notify any person of the results of a parole eligibility hearing if
69 the person indicates to the board a desire to be notified.

70 ~~[9-]~~ 10. The board may, at its discretion, require any offender seeking parole to meet
71 certain conditions during the term of that parole so long as said conditions are not illegal or
72 impossible for the offender to perform. These conditions may include an amount of restitution
73 to the state for the cost of that offender's incarceration.

74 **11. Special parole conditions shall be responsive to the assessed risk and needs of**
75 **the offender or the need for extraordinary supervision, such as electronic monitoring. The**
76 **board shall adopt rules to minimize the conditions placed on low risk cases, to frontload**
77 **conditions upon release, and to require the modification and reduction of conditions based**
78 **on the person's continuing stability in the community. Board rules shall permit parole**
79 **conditions to be modified by parole officers with review and approval by supervisors.**

80 ~~[10-]~~ 12. Nothing contained in this section shall be construed to require the release of
81 an offender on parole nor to reduce the sentence of an offender heretofore committed.

82 ~~[11- Beginning January 1, 2001, the board shall not order a parole unless the offender~~
83 ~~has obtained a high school diploma or its equivalent, or unless the board is satisfied that the~~
84 ~~offender, while committed to the custody of the department, has made an honest good-faith effort~~
85 ~~to obtain a high school diploma or its equivalent; provided that the director may waive this~~
86 ~~requirement by certifying in writing to the board that the offender has actively participated in~~
87 ~~mandatory education programs or is academically unable to obtain a high school diploma or its~~
88 ~~equivalent:~~

89 ~~—————~~ ~~[12-]~~ 13. Any rule or portion of a rule, as that term is defined in section 536.010, that is
90 created under the authority delegated in this section shall become effective only if it complies
91 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
92 This section and chapter 536 are nonseverable and if any of the powers vested with the general
93 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
94 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
95 any rule proposed or adopted after August 28, 2005, shall be invalid and void.

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

- 3 (1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise
4 found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;
- 5 (2) On probation, parole, or conditional release for an offense listed in chapter 579, or
6 an offense previously listed in chapter 195, or for a class D or E felony, excluding ~~the offenses~~
7 ~~of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second~~
8 ~~degree] sections 565.225, 566.031, 566.061, 566.093, 568.020, 568.060, offenses defined as~~
9 **"sexual assault" under section 589.015**, deviate sexual assault, assault in the second degree
10 under subdivision (2) of subsection 1 of section 565.052, ~~sexual misconduct involving a child,~~
11 endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of
12 section 568.045, ~~incest, invasion of privacy, abuse of a child,~~ and any offense of aggravated
13 stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060
14 as such offenses existed prior to January 1, 2017;
- 15 (3) Supervised by the ~~board~~ **division of probation and parole**; and
- 16 (4) In compliance with the conditions of supervision imposed by the sentencing court
17 or board.
- 18 2. If an offender was placed on probation, parole, or conditional release for an offense
19 of:
- 20 (1) Involuntary manslaughter in the second degree;
- 21 (2) Assault in the second degree except under subdivision (2) of subsection 1 of section
22 565.052 or section 565.060 as it existed prior to January 1, 2017;
- 23 (3) Domestic assault in the second degree;
- 24 (4) Assault in the third degree when the victim is a special victim or assault of a law
25 enforcement officer in the second degree as it existed prior to January 1, 2017;
- 26 (5) Statutory rape in the second degree;
- 27 (6) Statutory sodomy in the second degree;
- 28 (7) Endangering the welfare of a child in the first degree under subdivision (1) of
29 subsection 1 of section 568.045; or
- 30 (8) Any case in which the defendant is found guilty of a felony offense under chapter
31 571;
- 32
- 33 the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney,
34 make a finding that the offender is ineligible to earn compliance credits because the nature and
35 circumstances of the offense or the history and character of the offender indicate that a longer
36 term of probation, parole, or conditional release is necessary for the protection of the public or
37 the guidance of the offender. The motion may be made any time prior to the first month in which
38 the person may earn compliance credits under this section **or at a hearing under subsection 5**

39 **of this section.** The offender's ability to earn credits shall be suspended until the court or board
40 makes its finding. If the court or board finds that the offender is eligible for earned compliance
41 credits, the credits shall begin to accrue on the first day of the next calendar month following the
42 issuance of the decision.

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

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

52 5. Credits shall not accrue during any calendar month in which a violation report, **which**
53 **may include a report of absconder status**, has been submitted, **the offender is in custody**, or
54 a motion to revoke or motion to suspend has been filed, and shall be suspended pending the
55 outcome of a hearing, if a hearing is held. If no hearing is held, **or if a hearing is held and the**
56 **offender is continued under supervision**, or the court or board finds that the violation did not
57 occur, then the offender shall be deemed to be in compliance and shall begin earning credits on
58 the first day of the next calendar month following the month in which the report was submitted
59 or the motion was filed. **If a hearing is held**, all earned credits shall be rescinded if:

60 (1) The court or board revokes the probation or parole or the court places the offender
61 in a department program under subsection 4 of section 559.036 **or under section 217.785; or**

62 (2) **The offender is found by the court or board to be ineligible to earn compliance**
63 **credits because the nature and circumstances of the violation indicate that a longer term**
64 **of probation, parole, or conditional release is necessary for the protection of the public or**
65 **the guidance of the offender.**

66

67 Earned credits, **if not rescinded**, shall continue to be suspended for a period of time during
68 which the court or board has suspended the term of probation, parole, or release, and shall begin
69 to accrue on the first day of the next calendar month following the lifting of the suspension.

70 6. Offenders who are deemed by the division to be absconders shall not earn credits. For
71 purposes of this subsection, "absconder" shall mean an offender under supervision **whose**
72 **whereabouts are unknown and** who has left such offender's place of residency without the
73 permission of the offender's supervising officer **and without notifying of their whereabouts**

74 for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder
75 when such offender is available for active supervision.

76 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination
77 of time served in custody, if applicable, time served on probation, parole, or conditional release,
78 and earned compliance credits satisfy the total term of probation, parole, or conditional release,
79 the board or sentencing court shall order final discharge of the offender, so long as the offender
80 has completed **restitution and** at least two years of his or her probation [~~or~~], parole, **or**
81 **conditional release**, which shall include any time served in custody under section 217.718 and
82 sections 559.036 and 559.115.

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

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

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

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

217.705. 1. The [~~chairman~~] **director of the division of probation and parole** shall
2 appoint probation and parole officers and institutional parole officers as deemed necessary to
3 carry out the purposes of the board.

4 2. Probation and parole officers shall investigate all persons referred to them for
5 investigation by the board or by any court as provided by sections 217.750 and 217.760. They
6 shall furnish to each offender released under their supervision a written statement of the
7 conditions of probation, parole or conditional release and shall instruct the offender regarding
8 these conditions. They shall keep informed of the offender's conduct and condition and use all
9 suitable methods to aid and encourage the offender to bring about improvement in the offender's
10 conduct and conditions.

11 3. The probation and parole officer may recommend and, by order duly entered, the court
12 may impose and may at any time modify any conditions of probation. The court shall cause a
13 copy of any such order to be delivered to the probation and parole officer and the offender.

14 4. Probation and parole officers shall keep detailed records of their work and shall make
15 such reports in writing and perform such other duties as may be incidental to those enumerated
16 that the board may require. In the event a parolee is transferred to another probation and parole
17 officer, the written record of the former probation and parole officer shall be given to the new
18 probation and parole officer.

19 5. Institutional parole officers shall investigate all offenders referred to them for
20 investigation by the board and shall provide the board such other reports the board may require.
21 They shall furnish the offender prior to release on parole or conditional release a written
22 statement of the conditions of parole or conditional release and shall instruct the offender
23 regarding these conditions.

24 6. The department shall furnish probation and parole officers and institutional parole
25 officers, including supervisors, with credentials and a special badge which such officers and
26 supervisors shall carry on their person at all times while on duty.

217.720. 1. At any time during release on parole or conditional release the ~~[board]~~
2 **division of probation and parole** may issue a warrant for the arrest of a released offender for
3 violation of any of the conditions of parole or conditional release. The warrant shall authorize
4 any law enforcement officer to return the offender to the actual custody of the correctional center
5 from which the offender was released, or to any other suitable facility designated by the ~~[board]~~
6 **division**. If any parole or probation officer has probable cause to believe that such offender has
7 violated a condition of parole or conditional release, the probation or parole officer may issue
8 a warrant for the arrest of the offender. The probation or parole officer may effect the arrest or
9 may deputize any officer with the power of arrest to do so by giving the officer a copy of the
10 warrant which shall outline the circumstances of the alleged violation and contain the statement
11 that the offender has, in the judgment of the probation or parole officer, violated conditions of
12 parole or conditional release. The warrant delivered with the offender by the arresting officer
13 to the official in charge of any facility designated by the ~~[board]~~ **division** to which the offender
14 is brought shall be sufficient legal authority for detaining the offender. After the arrest the parole
15 or probation officer shall present to the detaining authorities a similar statement of the
16 circumstances of violation. Pending hearing as hereinafter provided, upon any charge of
17 violation, the offender shall remain in custody or incarcerated without consideration of bail.

18 2. If the offender is arrested under the authority granted in subsection 1 of this section,
19 the offender shall have the right to a preliminary hearing on the violation charged unless the
20 offender waives such hearing. Upon such arrest and detention, the parole or probation officer

21 shall immediately notify the board and shall submit in writing a report showing in what manner
22 the offender has violated the conditions of his parole or conditional release. The board shall
23 order the offender discharged from such facility, require as a condition of parole or conditional
24 release the placement of the offender in a treatment center operated by the department of
25 corrections, or shall cause the offender to be brought before it for a hearing on the violation
26 charged, under such rules and regulations as the board may adopt. If the violation is established
27 and found, the board may continue or revoke the parole or conditional release, or enter such other
28 order as it may see fit. If no violation is established and found, then the parole or conditional
29 release shall continue. If at any time during release on parole or conditional release the offender
30 is arrested for a crime which later leads to conviction, and sentence is then served outside the
31 Missouri department of corrections, the board shall determine what part, if any, of the time from
32 the date of arrest until completion of the sentence imposed is counted as time served under the
33 sentence from which the offender was paroled or conditionally released.

34 3. An offender for whose return a warrant has been issued by the ~~[board]~~ **division** shall,
35 if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have
36 fled from justice. If it shall appear that the offender has violated the provisions and conditions
37 of his parole or conditional release, the board shall determine whether the time from the issuing
38 date of the warrant to the date of his arrest on the warrant, or continuance on parole or
39 conditional release shall be counted as time served under the sentence. In all other cases, time
40 served on parole or conditional release shall be counted as time served under the sentence.

41 4. At any time during parole or probation, the ~~[board]~~ **division** may issue a warrant for
42 the arrest of any person from another jurisdiction, the visitation and supervision of whom the
43 ~~[board]~~ **division** has undertaken pursuant to the provisions of the interstate compact for the
44 supervision of parolees and probationers authorized in section 217.810, for violation of any of
45 the conditions of release, or a notice to appear to answer a charge of violation. The notice shall
46 be served personally upon the person. The warrant shall authorize any law enforcement officer
47 to return the offender to any suitable detention facility designated by the ~~[board]~~ **division**. Any
48 parole or probation officer may arrest such person without a warrant, or may deputize any other
49 officer with power of arrest to do so by issuing a written statement setting forth that the
50 defendant has, in the judgment of the parole or probation officer, violated the conditions of his
51 release. The written statement delivered with the person by the arresting officer to the official
52 in charge of the detention facility to which the person is brought shall be sufficient legal
53 authority for detaining him. After making an arrest the parole or probation officer shall present
54 to the detaining authorities a similar statement of the circumstances of violation.

217.722. 1. If any probation officer has probable cause to believe that the person on
2 probation has violated a condition of probation, the probation officer may issue a warrant for the

3 arrest of the person on probation. The officer may effect the arrest or may deputize any other
4 officer with the power of arrest to do so by giving the officer a copy of the warrant which will
5 outline the circumstances of the alleged violation and contain the statement that the person on
6 probation has, in the judgment of the probation officer, violated the conditions of probation. The
7 warrant delivered with the offender by the arresting officer to the official in charge of any jail
8 or other detention facility shall be sufficient authority for detaining the person on probation
9 pending a preliminary hearing on the alleged violation. Other provisions of law relating to
10 release on bail of persons charged with criminal offenses shall be applicable to persons detained
11 on alleged probation violations.

12 2. Any person on probation arrested under the authority granted in subsection 1 of this
13 section shall have the right to a preliminary hearing on the violation charged as long as the
14 person on probation remains in custody or unless the offender waives such hearing. The person
15 on probation shall be notified immediately in writing of the alleged probation violation. If
16 arrested in the jurisdiction of the sentencing court, and the court which placed the person on
17 probation is immediately available, the preliminary hearing shall be heard by the sentencing
18 court. Otherwise, the person on probation shall be taken before a judge or associate circuit judge
19 in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses
20 or before an impartial member of the staff of the ~~[Missouri board]~~ **division** of probation and
21 parole, and the preliminary hearing shall be held as soon as possible after the arrest. Such
22 preliminary hearings shall be conducted as provided by rule of court or by rules of the ~~[Missouri]~~
23 **parole board** ~~[of probation and parole]~~. If it appears that there is probable cause to believe that
24 the person on probation has violated a condition of probation, or if the person on probation
25 waives the preliminary hearing, the judge or associate circuit judge, or member of the staff of the
26 ~~[Missouri board]~~ **division** of probation and parole shall order the person on probation held for
27 further proceedings in the sentencing court. If probable cause is not found, the court shall not
28 be barred from holding a hearing on the question of the alleged violation of a condition of
29 probation nor from ordering the person on probation to be present at such a hearing.

30 3. Upon such arrest and detention, the probation officer shall immediately notify the
31 sentencing court and shall submit to the court a written report showing in what manner the
32 person on probation has violated the conditions of probation. Thereupon, or upon arrest by
33 warrant, the court shall cause the person on probation to be brought before it without unnecessary
34 delay for a hearing on the violation charged. Revocation hearings shall be conducted as provided
35 by rule of court.

217.735. 1. Notwithstanding any other provision of law to the contrary, the ~~[board]~~
2 **division of probation and parole** shall supervise an offender for the duration of his or her
3 natural life when the offender has been found guilty of an offense under:

4 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
5 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August
6 28, 2006; or

7 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
8 committed on or after January 1, 2017, against a victim who was less than fourteen years old and
9 the offender is a prior sex offender as defined in subsection 2 of this section.

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section
12 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim,
13 or violating subdivision (2) of subsection 1 of section 568.045.

14 3. Subsection 1 of this section applies to offenders who have been granted probation, and
15 to offenders who have been released on parole, conditional release, or upon serving their full
16 sentence without early release. Supervision of an offender who was released after serving his
17 or her full sentence will be considered as supervision on parole.

18 4. A mandatory condition of lifetime supervision of an offender under this section is that
19 the offender be electronically monitored. Electronic monitoring shall be based on a global
20 positioning system or other technology that identifies and records the offender's location at all
21 times.

22 5. In appropriate cases as determined by a risk assessment, the board may terminate the
23 supervision of an offender who is being supervised under this section when the offender is
24 sixty-five years of age or older.

25 6. In accordance with section 217.040, the board may adopt rules relating to supervision
26 and electronic monitoring of offenders under this section.

217.750. 1. At the request of a judge of any circuit court, the **[board] division of**
2 **probation and parole** shall provide probation services for such court as provided in subsection
3 2 of this section.

4 2. The **[board] division of probation and parole** shall provide probation services for
5 any person convicted of any class of felony. The **[board] division of probation and parole** shall
6 not provide probation services for any class of misdemeanor except those class A misdemeanors
7 the basis of which is contained in chapters 565 and 566 or in section 568.050, 455.085, 589.425,
8 or section 455.538.

217.755. The **[board] division of probation and parole** shall adopt general rules and
2 regulations, in accordance with section 217.040, concerning the conditions of probation
3 applicable to cases in the courts for which it provides probation service. Nothing herein,
4 however, shall limit the authority of the court to impose or modify any general or specific
5 conditions of probation.

217.760. 1. In all felony cases and class A misdemeanor cases, the basis of which
2 misdemeanor cases are contained in chapters 565 and 566 and section 577.023, at the request of
3 a circuit judge of any circuit court, the ~~[board]~~ **division of probation and parole** shall assign
4 one or more state probation and parole officers to make an investigation of the person convicted
5 of the crime or offense before sentence is imposed. In all felony cases in which the
6 recommended sentence established by the sentencing advisory commission pursuant to
7 subsection 6 of section 558.019 includes probation but the recommendation of the prosecuting
8 attorney or circuit attorney does not include probation, the ~~[board]~~ **division** of probation and
9 parole shall, prior to sentencing, provide the judge with a report on available alternatives to
10 incarceration. If a presentence investigation report is completed then the available alternatives
11 shall be included in the presentence investigation report.

12 2. The report of the presentence investigation or preparole investigation shall contain any
13 prior criminal record of the defendant and such information about his or her characteristics, his
14 or her financial condition, his or her social history, the circumstances affecting his or her
15 behavior as may be helpful in imposing sentence or in granting probation or in the correctional
16 treatment of the defendant, information concerning the impact of the crime upon the victim, the
17 recommended sentence established by the sentencing advisory commission and available
18 alternatives to incarceration including opportunities for restorative justice, as well as a
19 recommendation by the probation and parole officer. The officer shall secure such other
20 information as may be required by the court and, whenever it is practicable and needed, such
21 investigation shall include a physical and mental examination of the defendant.

217.762. 1. Prior to sentencing any defendant convicted of a felony which resulted in
2 serious physical injury or death to the victim, a presentence investigation shall be conducted by
3 the ~~[board]~~ **division** of probation and parole to be considered by the court, unless the court orders
4 otherwise.

5 2. The presentence investigation shall include a victim impact statement if the defendant
6 caused physical, psychological, or economic injury to the victim.

7 3. If the court does not order a presentence investigation, the prosecuting attorney may
8 prepare a victim impact statement to be submitted to the court. The court shall consider the
9 victim impact statement in determining the appropriate sentence, and in entering any order of
10 restitution to the victim.

11 4. A victim impact statement shall:

12 (1) Identify the victim of the offense;

13 (2) Itemize any economic loss suffered by the victim as a result of the offense;

14 (3) Identify any physical injury suffered by the victim as a result of the offense, along
15 with its seriousness and permanence;

16 (4) Describe any change in the victim's personal welfare or familial relationships as a
17 result of the offense;

18 (5) Identify any request for psychological services initiated by the victim or the victim's
19 family as a result of the offense; and

20 (6) Contain any other information related to the impact of the offense upon the victim
21 that the court requires.

217.777. 1. The department shall administer a community corrections program to
2 encourage the establishment of local sentencing alternatives for offenders to:

3 (1) Promote accountability of offenders to crime victims, local communities and the state
4 by providing increased opportunities for offenders to make restitution to victims of crime
5 through financial reimbursement or community service;

6 (2) Ensure that victims of crime are included in meaningful ways in Missouri's response
7 to crime;

8 (3) Provide structured opportunities for local communities to determine effective local
9 sentencing options to assure that individual community programs are specifically designed to
10 meet local needs;

11 (4) Reduce the cost of punishment, supervision and treatment significantly below the
12 annual per-offender cost of confinement within the traditional prison system; ~~and~~

13 (5) **Utilize community supervision centers to effectively respond to violations and**
14 **prevent revocations; and**

15 (6) Improve public confidence in the criminal justice system by involving the public in
16 the development of community-based sentencing options for eligible offenders.

17 2. The program shall be designed to implement and operate community-based restorative
18 justice projects including, but not limited to: preventive or diversionary programs,
19 community-based intensive probation and parole services, community-based treatment centers,
20 day reporting centers, and the operation of facilities for the detention, confinement, care and
21 treatment of adults under the purview of this chapter.

22 3. The department shall promulgate rules and regulations for operation of the program
23 established pursuant to this section as provided for in section 217.040 and chapter 536.

24 4. Any proposed program or strategy created pursuant to this section shall be developed
25 after identification of a need in the community for such programs, through consultation with
26 representatives of the general public, judiciary, law enforcement and defense and prosecution
27 bar.

28 5. In communities where local volunteer community boards are established at the request
29 of the court, the following guidelines apply:

30 (1) The department shall provide a program of training to eligible volunteers and develop
31 specific conditions of a probation program and conditions of probation for offenders referred to
32 it by the court. Such conditions, as established by the community boards and the department,
33 may include compensation and restitution to the community and the victim by fines, fees, day
34 fines, victim-offender mediation, participation in victim impact panels, community service, or
35 a combination of the aforementioned conditions;

36 (2) The term of probation shall not exceed five years and may be concluded by the court
37 when conditions imposed are met to the satisfaction of the local volunteer community board.

38 6. The department may staff programs created pursuant to this section with employees
39 of the department or may contract with other public or private agencies for delivery of services
40 as otherwise provided by law.

217.810. 1. The governor is hereby authorized and directed to enter into the interstate
2 compact for the supervision of parolees and probationers on behalf of the state of Missouri with
3 the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any and all
4 other states of the United States legally joining therein and pursuant to the provisions of an act
5 of the Congress of the United States of America granting the consent of Congress to the
6 commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any two or more
7 states to enter into agreements or compacts for cooperative effort and mutual assistance in the
8 prevention of crime and for other purposes, which compact shall have as its objective the
9 permitting of persons placed on probation or released on parole to reside in any other state
10 signatory to the compact assuming the duties of visitation and supervision over such probationers
11 and parolees; permitting the extradition and transportation without interference of prisoners,
12 being retaken, through any and all states signatory to the compact under such terms, conditions,
13 rules and regulations, and for such duration as in the opinion of the governor of this state shall
14 be necessary and proper and in a form substantially as contained in subsection 2 of this section.
15 The chairman of the board shall administer the compact for the state.

16 2. INTERSTATE COMPACT FOR THE
17 SUPERVISION OF PAROLEES AND PROBATIONERS

18 This compact shall be entered into by and among the contracting states, signatories
19 hereto, with the consent of the Congress of the United States of America, granted by an act
20 entitled "An act granting the consent of Congress to any two or more states to enter into
21 agreements or compacts for cooperative effort and mutual assistance in the prevention of crime
22 and for other purposes."

23 The contracting states solemnly agree:

24 (1) That it shall be competent for the duly constituted judicial and administrative
25 authorities of a state party to this compact (herein called "sending state") to permit any person

26 convicted of an offense within such state and placed on probation or released on parole to reside
27 in any other state party to this compact (herein called "receiving state"), while on probation or
28 parole, if

29 (a) Such a person is in fact a resident of or has his family residing within the receiving
30 state and can obtain employment there;

31 (b) Though not a resident of the receiving state and not having his family residing there,
32 the receiving state consents to such person being sent there.

33 Before granting such permission, opportunity shall be granted to the receiving state to
34 investigate the home and prospective employment of such person.

35 A resident of the receiving state, within the meaning of this section, is one who has been
36 an actual inhabitant of such state continuously for more than one year prior to his coming to the
37 sending state and has not resided within the sending state more than six continuous months
38 immediately preceding the commission of the offense for which he has been convicted.

39 (2) The receiving state shall assume the duties of visitation and supervision over
40 probationers or parolees of any sending state transferred under the compact and will apply the
41 same standards of supervision that prevail for its own probationers and parolees.

42 (3) That duly accredited officers of a sending state may at all times enter a receiving state
43 and there apprehend and retake any person on probation or parole. For that purpose no
44 formalities will be required other than establishing the authority of the officer and the identity
45 of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice
46 are hereby expressly waived on the part of states party hereto, as to such persons. The decision
47 of the sending state to retake a person on probation or parole shall be conclusive upon and not
48 reviewable within the receiving state. Provided, however, that if at the time when a state seeks
49 to retake a probationer or parolee there should be pending against him within the receiving state
50 any criminal charge, or he should be suspected of having committed within such state a criminal
51 offense, he shall not be retaken without the consent of the receiving state until discharged from
52 prosecution or from imprisonment for such offense.

53 (4) That the duly accredited officers of the sending state will be permitted to transport
54 prisoners being retaken through any and all states parties to this compact, without interference.

55 (5) Each state may designate an officer who, acting jointly with like officers of other
56 contracting states shall promulgate such rules and regulations as may be deemed necessary to
57 more effectively carry out the terms of this compact.

58 (6) That this compact shall become operative immediately upon its execution by any
59 state as between it and any other state or states so executing. When executed it shall have the
60 full force and effect of law within such state, the form of execution to be in accordance with the
61 laws of the executing state.

62 (7) That this compact shall continue in force and remain binding upon each executing
63 state until renounced by it. The duties and obligations hereunder of a renouncing state shall
64 continue as to parolees or probationers residing therein at the time of withdrawal until retaken
65 or finally discharged by the sending state. Renunciation of this compact shall be by the same
66 authority which executed it, by sending six months' notice in writing of its intention to withdraw
67 from the compact to the other states party hereto.

68 3. If any section, sentence, subdivision or clause within subsection 2 of this section is
69 for any reason held invalid or to be unconstitutional, such decision shall not affect the validity
70 of the remaining provisions of that subsection or this section.

71 4. All necessary and proper expenses accruing as a result of a person being returned to
72 this state by order of a court or the **parole** board [~~of probation and parole~~] shall be paid by the
73 state as provided in section 548.241 or 548.243.

221.105. 1. The governing body of any county and of any city not within a county shall
2 fix the amount to be expended for the cost of incarceration of prisoners confined in jails or
3 medium security institutions. The per diem cost of incarceration of these prisoners chargeable
4 by the law to the state shall be determined, subject to the review and approval of the department
5 of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the clerk
11 of the circuit court on the first day of each year, and thereafter whenever the amount may be
12 changed. It shall then be the duty of the clerk of the court in which the case was determined to
13 include in the bill of cost against the state all fees which are properly chargeable to the state. In
14 any city not within a county, it shall be the duty of the superintendent of any facility boarding
15 prisoners to certify to the chief executive officer of such city not within a county the total number
16 of days any prisoner who was a party in such case remained in such facility. It shall be the duty
17 of the superintendents of such facilities to supply the cost per diem to the chief executive officer
18 on the first day of each year, and thereafter whenever the amount may be changed. It shall be
19 the duty of the chief executive officer to bill the state all fees for boarding such prisoners which
20 are properly chargeable to the state. The chief executive may by notification to the department
21 of corrections delegate such responsibility to another duly sworn official of such city not within
22 a county. The clerk of the court of any city not within a county shall not include such fees in the
23 bill of costs chargeable to the state. The department of corrections shall revise its criminal cost
24 manual in accordance with this provision.

25 3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable
26 to the state, including those incurred for a prisoner who is incarcerated in the county jail because
27 the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,
28 violated any condition of the prisoner's parole or probation, and such parole or probation is a
29 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri
30 department of corrections or otherwise held at the request of the Missouri department of
31 corrections regardless of whether or not a warrant has been issued shall be the actual cost of
32 incarceration not to exceed:

33 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

34 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

35 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
36 prisoner, subject to appropriations, but not less than the amount appropriated in the previous
37 fiscal year.

38 **4. The presiding judge of a judicial circuit may, in consultation with the circuit and**
39 **associate circuit judges of the circuit, propose expenses to be reimbursable by the state on**
40 **behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may**
41 **include pretrial assessment and supervision strategies for defendants who are ultimately**
42 **eligible for state incarceration. A county shall not receive more than its share of the**
43 **amount appropriated in the previous fiscal year, inclusive of expenses proposed by the**
44 **presiding judge. Any county shall convey such proposal to the department, and any such**
45 **proposal presented by a presiding judge shall include documented agreement with the**
46 **proposal by the county governing body, prosecuting attorney, and the officer of the county**
47 **responsible for custody or incarceration of offenders of the county represented in the**
48 **proposal.**

 595.010. 1. As used in sections 595.010 to 595.075, unless the context requires
2 otherwise, the following terms shall mean:

3 (1) "Child", a dependent, unmarried person who is under eighteen years of age and
4 includes a posthumous child, stepchild, or an adopted child;

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family, of
6 a victim eligible for compensation pursuant to sections 595.010 to 595.075;

7 (3) "Conservator", a person or corporation appointed by a court to have the care and
8 custody of the estate of a minor or a disabled person, including a limited conservator;

9 (4) "Counseling", problem-solving and support concerning emotional issues that result
10 from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential
11 service provided either on an individual basis or in a group. Counseling has as a primary purpose
12 to enhance, protect and restore a person's sense of well-being and social functioning after

13 victimization. Counseling does not include victim advocacy services such as crisis telephone
14 counseling, attendance at medical procedures, law enforcement interviews or criminal justice
15 proceedings;

16 (5) "Crime", an act committed in this state ~~[which] that, [if committed by a mentally~~
17 ~~competent, criminally responsible person who had no legal exemption or defense, would~~
18 ~~constitute a crime; provided that, such act]~~ **regardless of whether it is adjudicated**, involves
19 the application of force or violence or the threat of force or violence by the offender upon the
20 victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit
21 and run; and provided, further, that no act involving the operation of a motor vehicle except
22 driving while intoxicated, vehicular manslaughter and hit and run ~~[which] that~~ results in injury
23 to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such
24 injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include
25 an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of
26 the United States against a resident of Missouri;

27 (6) "Crisis intervention counseling", helping to reduce psychological trauma where
28 victimization occurs;

29 (7) "Department", the department of public safety;

30 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,
31 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially
32 dependent for support upon, and living with, but shall include children entitled to child support
33 but not living with, the victim at the time of his injury or death due to a crime alleged in a claim
34 pursuant to sections 595.010 to 595.075;

35 (9) "Direct service", providing physical services to a victim of crime including, but not
36 limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter,
37 notification and information;

38 (10) "Director", the director of public safety of this state or a person designated by him
39 for the purposes of sections 595.010 to 595.075;

40 (11) "Disabled person", one who is unable by reason of any physical or mental condition
41 to receive and evaluate information or to communicate decisions to such an extent that the
42 person lacks ability to manage his financial resources, including a partially disabled person who
43 lacks the ability, in part, to manage his financial resources;

44 (12) "Emergency service", those services provided ~~[within thirty days]~~ to alleviate the
45 immediate effects of the criminal act or offense, and may include cash grants of not more than
46 one hundred dollars;

47 (13) "Earnings", net income or net wages;

48 (14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild,
49 brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

50 (15) "Funeral expenses", the expenses of the funeral, burial, cremation, or other chosen
51 method of interment, including plot or tomb and other necessary incidents to the disposition of
52 the remains;

53 (16) "Gainful employment", engaging on a regular and continuous basis, up to the date
54 of the incident upon which the claim is based, in a lawful activity from which a person derives
55 a livelihood;

56 (17) "Guardian", one appointed by a court to have the care and custody of the person of
57 a minor or of an incapacitated person, including a limited guardian;

58 (18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined
59 in section 577.060;

60 (19) "Incapacitated person", one who is unable by reason of any physical or mental
61 condition to receive and evaluate information or to communicate decisions to such an extent that
62 he lacks capacity to meet essential requirements for food, clothing, shelter, safety, or other care
63 such that serious physical injury, illness, or disease is likely to occur, including a partially
64 incapacitated person who lacks the capacity to meet, in part, such essential requirements;

65 (20) "Injured victim", a person:

66 (a) Killed or receiving a personal physical injury in this state as a result of another
67 person's commission of or attempt to commit any crime;

68 (b) Killed or receiving a personal physical injury in this state while in a good faith
69 attempt to assist a person against whom a crime is being perpetrated or attempted;

70 (c) Killed or receiving a personal physical injury in this state while assisting a law
71 enforcement officer in the apprehension of a person who the officer has reason to believe has
72 perpetrated or attempted a crime;

73 (21) "Law enforcement official", a sheriff and his regular deputies, municipal police
74 officer or member of the Missouri state highway patrol and such other persons as may be
75 designated by law as peace officers;

76 (22) "Offender", a person who commits a crime;

77 (23) "Personal ~~[physical]~~ injury", ~~[actual bodily harm only with respect to the victim.~~
78 ~~Personal physical injury may include mental or nervous shock]~~ **physical, emotional, or mental**
79 **harm or trauma** resulting from the ~~[specific incident]~~ **crime** upon which the claim is based;

80 (24) "Private agency", a not-for-profit corporation, in good standing in this state, which
81 provides services to victims of crime and their dependents;

82 (25) "Public agency", a part of any local or state government organization which
83 provides services to victims of crime;

84 (26) "Relative", the spouse of the victim or a person related to the victim within the third
85 degree of consanguinity or affinity as calculated according to civil law;

86 (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the
87 deceased victim of the victim's household at the time of the crime;

88 (28) "Victim", a person who suffers personal ~~[physical]~~ injury or death as a direct result
89 of a crime, as defined in subdivision (5) of this subsection;

90 (29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire
91 services from existing community resources.

92 2. As used in ~~[sections 565.024 and 565.060 and]~~ sections 595.010 to 595.075, the term
93 "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and
94 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle
95 while under the influence of alcohol.

595.015. 1. The department of public safety shall, pursuant to the provisions of sections
2 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of,
3 victims of crimes. In making such determinations and awards, the department shall ensure the
4 compensation sought is reasonable and consistent with the limitations described in sections
5 595.010 to 595.075. Additionally, if compensation being sought includes medical expenses, the
6 department shall further ensure that such expenses are medically necessary. The department of
7 public safety may pay directly to the provider of the services compensation for medical or funeral
8 expenses, or expenses for other services as described in section 595.030, incurred by the
9 claimant. The department is not required to provide compensation in any case, nor is it required
10 to award the full amount claimed. The department shall make its award of compensation based
11 upon independent verification obtained during its investigation.

12 2. Such claims shall be made by filing an application for compensation with the
13 department of public safety. The application form shall be furnished by the department ~~[and the~~
14 ~~signature shall be notarized]~~. The application shall include:

15 (1) The name and address of the victim;

16 (2) If the claimant is not the victim, the name and address of the claimant and
17 relationship to the victim, the names and addresses of the victim's dependents, if any, and the
18 extent to which each is so dependent;

19 (3) The date and nature of the crime or attempted crime on which the application for
20 compensation is based;

21 (4) The date and place where, and the law enforcement officials to whom, notification
22 of the crime was given;

23 (5) The nature and extent of the injuries sustained by the victim, the names and addresses
24 of those giving medical and hospital treatment to the victim and whether death resulted;

25 (6) The loss to the claimant or a dependent resulting from the injury or death;

26 (7) The amount of benefits, payments, or awards, if any, payable from any source which
 27 the claimant or dependent has received or for which the claimant or dependent is eligible as a
 28 result of the injury or death;

29 (8) Releases authorizing the surrender to the department of reports, documents and other
 30 information relating to the matters specified under this section; and

31 (9) Such other information as the department determines is necessary.

32 3. In addition to the application, the department may require that the claimant submit
 33 materials substantiating the facts stated in the application.

34 4. ~~If the department finds that an application does not contain the required information~~
 35 ~~or that the facts stated therein have not been substantiated, it shall notify the claimant in writing~~
 36 ~~of the specific additional items of information or materials required and that the claimant has~~
 37 ~~thirty days from the date of mailing in which to furnish those items to the department. Unless~~
 38 ~~a claimant requests and is granted an extension of time by the department, the department shall~~
 39 ~~reject with prejudice the claim of the claimant for failure to file the additional information or~~
 40 ~~materials within the specified time.~~

41 ~~5. The claimant may file an amended application or additional substantiating materials~~
 42 ~~to correct inadvertent errors or omissions at any time before the department has completed its~~
 43 ~~consideration of the original application.~~

44 ~~6.] To be eligible, unless cooperation is excused by the prosecuting attorney or~~
 45 ~~circuit attorney, the claimant, victim, or dependent shall cooperate with law enforcement~~
 46 ~~officials in the apprehension [and prosecution] of the offender [in order to be eligible, or the~~
 47 ~~department has found that the failure to cooperate was for good cause] , and the prosecuting~~
 48 ~~attorney or circuit attorney shall certify that the claimant, victim, or dependent cooperated~~
 49 ~~in the prosecution.~~

50 [7:] 5. Any state or local agency, including a prosecuting attorney or law enforcement
 51 agency, shall make available without cost to the fund all reports, files and other appropriate
 52 information which the department requests in order to make a determination that a claimant is
 53 eligible for an award pursuant to sections 595.010 to 595.075.

595.020. 1. Except as hereinafter provided, the following persons shall be eligible for
 2 compensation pursuant to sections 595.010 to 595.075:

3 (1) A victim of a crime;

4 (2) In the case of a sexual assault victim[:

5 ~~(a)] , a relative of the victim requiring counseling in order to better assist the victim in~~
 6 his recovery; and

7 (3) In the case of the death of the victim as a direct result of the crime:

- 8 (a) A dependent of the victim;
- 9 (b) Any member of the family who legally assumes the obligation, or who pays the
10 medical or burial expenses incurred as a direct result thereof; and
- 11 (c) A survivor of the victim requiring counseling as a direct result of the death of the
12 victim.

13 2. An offender or an accomplice of an offender shall in no case be eligible to receive
14 compensation with respect to a crime committed by the offender. No victim or dependent shall
15 be denied compensation solely because he is a relative of the offender or was living with the
16 offender as a family or household member at the time of the injury or death. However, the
17 department may award compensation to a victim or dependent who is a relative, family, or
18 household member of the offender only if the department can reasonably determine the offender
19 will receive no substantial economic benefit or unjust enrichment from the compensation.

20 3. No compensation of any kind may be made to a victim or intervenor injured while
21 confined in any federal, state, county, or municipal jail, prison or other correctional facility,
22 including house arrest or electronic monitoring.

23 4. ~~[No compensation of any kind may be made to a victim who has been finally~~
24 ~~adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two~~
25 ~~felonies within the past ten years, of which one or both involves illegal drugs or violence. The~~
26 ~~department may waive this restriction if it determines that the interest of justice would be served~~
27 ~~otherwise.~~

28 ~~5.]~~ In the case of a claimant ~~[who is not otherwise ineligible pursuant to subsection 4 of~~
29 ~~this section,]~~ who is incarcerated as a result of a conviction of a crime not related to the incident
30 upon which the claim is based at the time of application, or at any time following the filing of
31 the application:

32 (1) The department shall suspend all proceedings and payments until such time as the
33 claimant is released from incarceration;

34 (2) The department shall notify the applicant at the time the proceedings are suspended
35 of the right to reactivate the claim within six months of release from incarceration. The notice
36 shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

37 (3) The claimant shall file an application to request that the case be reactivated not later
38 than six months after the date the claimant is released from incarceration. Failure to file such
39 request within the six-month period shall serve as a bar to any recovery.

40 ~~[6. Victims of crime who are not residents of the state of Missouri may be compensated~~
41 ~~only when federal funds are available for that purpose. Compensation for nonresident victims~~
42 ~~shall terminate when federal funds for that purpose are no longer available.~~

43 ———7-] 5. A Missouri resident who suffers personal [~~physical~~] injury or, in the case of death,
44 a dependent of the victim or any member of the family who legally assumes the obligation, or
45 who pays the medical or burial expenses incurred as a direct result thereof, in another state,
46 possession or territory of the United States may make application for compensation in Missouri
47 if:

48 (1) The victim of the crime would be compensated if the crime had occurred in the state
49 of Missouri;

50 (2) The place that the crime occurred is a state, possession or territory of the United
51 States, or location outside of the United States that is covered and defined in 18 U.S.C. Section
52 2331, that does not have a crime victims' compensation program for which the victim is eligible
53 and which provides at least the same compensation that the victim would have received if he had
54 been injured in Missouri.

595.025. 1. A claim for compensation may be filed by a person eligible for
2 compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's
3 spouse, parent, conservator, or guardian.

4 2. A claim shall be filed not later than two years after the occurrence of the crime or the
5 discovery of the crime upon which it is based.

6 3. Each claim shall be [~~filed in person or by mail~~] **submitted to the department**. The
7 department of public safety shall investigate such claim, prior to the opening of formal
8 proceedings. The claimant shall be notified of the date and time of any hearing on such claim.
9 In determining the amount of compensation for which a claimant is eligible, the department shall
10 consider the facts stated on the application filed pursuant to section 595.015, and:

11 (1) Need not consider whether or not the alleged assailant has been apprehended or
12 brought to trial or the result of any criminal proceedings against that person; however, if any
13 person is convicted of the crime which is the basis for an application for compensation, proof
14 of the conviction shall be conclusive evidence that the crime was committed;

15 (2) Shall determine the amount of the loss to the claimant, or the victim's survivors or
16 dependents;

17 (3) Shall determine the degree or extent to which the victim's acts or conduct provoked,
18 incited, or contributed to the injuries or death of the victim.

19 4. The claimant may present evidence and testimony on his own behalf or may retain
20 counsel. The department of public safety may, as part of any award entered under sections
21 595.010 to 595.075, determine and allow reasonable attorney's fees, which shall not exceed
22 fifteen percent of the amount awarded as compensation under sections 595.010 to 595.075,
23 which fee shall be paid out of, but not in addition to, the amount of compensation, to the attorney

24 representing the claimant. No attorney for the claimant shall ask for, contract for, or receive any
25 larger sum than the amount so allowed.

26 5. The person filing a claim shall, prior to any hearing thereon, submit reports, if
27 available, from all hospitals, physicians [øø], surgeons, **or other health care providers** who
28 treated or examined the victim for the injury for which compensation is sought. **A hospital,**
29 **physician, surgeon, or other health care provider may submit reports on behalf of the**
30 **person filing a claim.** If, in the opinion of the department of public safety, an examination of
31 the injured victim and a report thereon, or a report on the cause of death of the victim, would be
32 of material aid, the department of public safety may appoint a duly qualified, impartial physician
33 to make such examination and report.

34 6. Each and every payment shall be exempt from attachment, garnishment, or any other
35 remedy available to creditors for the collection of a debt.

36 7. Payments of compensation shall not be made directly to any person legally
37 incompetent to receive them but shall be made to the parent, guardian or conservator for the
38 benefit of such minor, disabled or incapacitated person.

595.030. 1. ~~[No compensation shall be paid unless the claimant has incurred an
2 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
3 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable
4 expenses or indebtedness reasonably incurred:~~

5 ~~———(1) For medical care or other services, including psychiatric, psychological or counseling
6 expenses, necessary as a result of the crime upon which the claim is based, except that the
7 amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not
8 exceed two thousand five hundred dollars; or~~

9 ~~———(2) As a result of personal property being seized in an investigation by law enforcement.
10 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal
11 to the loss sustained, but shall not exceed two hundred fifty dollars.~~

12 ~~———2:] No compensation shall be paid unless the department of public safety finds that a
13 crime was committed, that such crime directly resulted in personal [physical] injury to, or the
14 death of, the victim, and that police, **court, or other official** records show that such crime was
15 [promptly] reported to the proper authorities. ~~[In no case may compensation be paid if the police
16 records show that such report was made more than forty-eight hours after the occurrence of such
17 crime, unless the department of public safety finds that the report to the police was delayed for
18 good cause.]~~ **In lieu of other records, the claimant may provide a sworn statement by the**
19 **claimant under paragraph (c) of subdivision (1) of section 589.663 that the claimant has**
20 **good reason to believe that he or she is a victim of domestic violence, rape, sexual assault,**
21 **human trafficking, or stalking, and fears further violent acts from his or her assailant. If**~~

22 the victim is under eighteen years of age such report may be made by the victim's parent,
23 guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the
24 children's division personnel; or by any other member of the victim's family. In the case of a
25 sexual offense, filing a report of the offense to the proper authorities may include, but not be
26 limited to, the filing of the report of the forensic examination by the appropriate medical
27 provider, as defined in section 595.220, with the prosecuting attorney of the county in which the
28 alleged incident occurred, **receiving a forensic examination, or securing an order of**
29 **protection.**

30 ~~[3-]~~ 2. No compensation shall be paid for medical care if the service provider is not a
31 medical provider as that term is defined in section 595.027, and the individual providing the
32 medical care is not licensed by the state of Missouri or the state in which the medical care is
33 provided.

34 ~~[4-]~~ 3. No compensation shall be paid for psychiatric treatment or other counseling
35 services, including psychotherapy, unless the service provider is a:

36 (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the
37 state in which the service is provided;

38 (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in
39 the state in which the service is provided;

40 (3) Clinical social worker licensed pursuant to chapter 337;

41 (4) Professional counselor licensed pursuant to chapter 337; or

42 (5) Board-certified psychiatric-mental health clinical nurse specialist or board certified
43 psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state
44 in which the service is provided.

45 ~~[5-]~~ 4. Any compensation paid pursuant to sections 595.010 to 595.075 for death or
46 personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of
47 earnings or support from gainful employment, not to exceed four hundred dollars per week,
48 resulting from such injury or death. In the event of death of the victim, an award may be made
49 for reasonable and necessary expenses actually incurred for preparation and burial not to exceed
50 five thousand dollars.

51 ~~[6-]~~ 5. Any compensation for loss of earnings or support from gainful employment shall
52 be in an amount equal to the actual loss sustained not to exceed four hundred dollars per week;
53 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed
54 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of
55 the death of a person which is the direct result of a crime or in the case of a sexual assault, the
56 compensation shall be apportioned by the department of public safety among the claimants in
57 proportion to their loss.

58 ~~[7-]~~ 6. The method and timing of the payment of any compensation pursuant to sections
59 595.010 to 595.075 shall be determined by the department.

60 ~~[8-]~~ 7. The department shall have the authority to negotiate the costs of medical care or
61 other services directly with the providers of the care or services on behalf of any victim receiving
62 compensation pursuant to sections 595.010 to 595.075.

595.035. 1. For the purpose of determining the amount of compensation payable
2 pursuant to sections 595.010 to 595.075, the department of public safety shall, insofar as
3 practicable, formulate standards for the uniform application of sections 595.010 to 595.075,
4 taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts
5 of compensation payable for injuries and death pursuant to other laws of this state and of the
6 United States, excluding pain and suffering, and the availability of funds appropriated for the
7 purpose of sections 595.010 to 595.075. All decisions of the department of public safety on
8 claims pursuant to sections 595.010 to 595.075 shall be in writing, setting forth the name of the
9 claimant, the amount of compensation and the reasons for the decision. ~~[The department of
10 public safety shall immediately notify the claimant in writing of the decision and shall forward
11 to the state treasurer a certified copy of the decision and a warrant for the amount of the claim.
12 The state treasurer, upon certification by the commissioner of administration, shall, if there are
13 sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the
14 amount determined by the department.]~~

15 2. The crime victims' compensation fund is not a state health program and is not intended
16 to be used as a primary payor to other health care assistance programs, but is a public,
17 quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through
18 a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid
19 pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments,
20 benefits, or awards received or to be received as a result of the injury or death:

21 (1) From or on behalf of the offender;

22 (2) Under private or public insurance programs, including ~~[ehampus]~~ **Tricare**, Medicare,
23 Medicaid and other state or federal programs, but not including any life insurance proceeds; or

24 (3) From any other public or private funds, including an award payable pursuant to the
25 workers' compensation laws of this state.

26 3. In determining the amount of compensation payable, the department of public safety
27 shall determine whether, because of the victim's consent, provocation, incitement or negligence,
28 the victim contributed to the infliction of the victim's injury or death, and shall reduce the
29 amount of the compensation or deny the claim altogether, in accordance with such determination;
30 provided, however, that the department of public safety may disregard the responsibility of the
31 victim for his or her own injury where such responsibility was attributable to efforts by the

32 victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her
33 presence, or to apprehend a person who had committed a crime in his or her presence or had in
34 fact committed a felony.

35 4. In determining the amount of compensation payable pursuant to sections 595.010 to
36 595.075, monthly Social Security disability or retirement benefits received by the victim shall
37 not be considered by the department as a factor for reduction of benefits.

38 ~~[5. The department shall not be liable for payment of compensation for any out-of-pocket~~
39 ~~expenses incurred more than three years following the date of the occurrence of the crime upon~~
40 ~~which the claim is based.]~~

~~595.055. [1. No public or private agency shall provide service to a victim of crime~~
2 ~~pursuant to any contract made under section 595.050 unless the incident is reported to an~~
3 ~~appropriate law enforcement office within forty-eight hours after its occurrence or within~~
4 ~~forty-eight hours after the victim of crime, a dependent, or a member of the family of the victim~~
5 ~~reasonably could be expected to make such a report.~~

6 ~~———2.]~~ No service may be provided under section 595.050 if the victim of crime:

7 (1) Was the perpetrator or a principal or accessory involved in the commission of the
8 crime for which he otherwise would have been eligible for assistance under the provisions of
9 section 595.050; or

10 (2) Is injured as a result of the operation of a motor vehicle, boat, or airplane unless the
11 same was used as a weapon in a deliberate attempt to inflict personal injury upon any person or
12 unless the victim is injured as a result of the crime of driving while intoxicated or vehicular
13 manslaughter.

595.220. 1. The department of public safety shall make payments to appropriate medical
2 providers, out of appropriations made for that purpose, to cover the reasonable charges of the
3 forensic examination of persons who may be a victim of a sexual offense if:

4 (1) The victim or the victim's guardian consents in writing to the examination; and

5 (2) The report of the examination is made on a form approved by the attorney general
6 with the advice of the department of public safety.

7 The department shall establish maximum reimbursement rates for charges submitted under this
8 section, which shall reflect the reasonable cost of providing the forensic exam.

9 2. A minor may consent to examination under this section. Such consent is not subject
10 to disaffirmance because of minority, and consent of parent or guardian of the minor is not
11 required for such examination. The appropriate medical provider making the examination shall
12 give written notice to the parent or guardian of a minor that such an examination has taken place.

13 3. The attorney general, with the advice of the department of public safety, shall develop
14 the forms and procedures for gathering, **transmitting, and storing** evidence during **and after**

15 the forensic examination under the provisions of this section. The department of health and
16 senior services shall develop a checklist, protocols, and procedures for appropriate medical
17 providers to refer to while providing medical treatment to victims of a sexual offense, including
18 those specific to victims who are minors. **The procedures for transmitting and storing**
19 **evidence shall include the following requirements:**

20 **(1) A law enforcement agency that receives notice that forensic examination**
21 **evidence has been released to that law enforcement agency shall take possession of the**
22 **evidence, including anonymously reported evidence from the medical provider within**
23 **fourteen days after receiving that notice. The law enforcement agency shall submit that**
24 **evidence for analysis within fourteen days after the agency takes possession of that**
25 **evidence under this section;**

26 **(2) The Missouri state highway patrol shall take possession of unreported forensic**
27 **examination evidence from the medical provider after receiving notice and shall secure**
28 **such evidence for a period of five years; and**

29 **(3) A law enforcement agency shall secure forensic examination evidence for a**
30 **period of thirty years if the offense or act remains unsolved.**

31 4. Evidentiary collection kits shall be developed and made available, subject to
32 appropriation, to appropriate medical providers by the highway patrol or its designees and
33 eligible crime laboratories. Such kits shall be distributed with the forms and procedures for
34 gathering evidence during forensic examinations of victims of a sexual offense to appropriate
35 medical providers upon request of the provider, in the amount requested, and at no charge to the
36 medical provider. All appropriate medical providers shall, with the written consent of the victim,
37 perform a forensic examination using the evidentiary collection kit, or other collection
38 procedures developed for victims who are minors, and forms and procedures for gathering
39 evidence following the checklist for any person presenting as a victim of a sexual offense.

40 5. In reviewing claims submitted under this section, the department shall first determine
41 if the claim was submitted within ninety days of the examination. If the claim is submitted within
42 ninety days, the department shall, at a minimum, use the following criteria in reviewing the
43 claim: examination charges submitted shall be itemized and fall within the definition of forensic
44 examination as defined in subdivision (3) of subsection 8 of this section.

45 6. All appropriate medical provider charges for eligible forensic examinations shall be
46 billed to and paid by the department of public safety. No appropriate medical provider
47 conducting forensic examinations and providing medical treatment to victims of sexual offenses
48 shall charge the victim for the forensic examination. For appropriate medical provider charges
49 related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant

50 under the crime victims' compensation fund, the victim shall seek compensation under sections
51 595.010 to 595.075.

52 7. The department of public safety shall establish rules regarding the reimbursement of
53 the costs of forensic examinations for children under fourteen years of age, including establishing
54 conditions and definitions for emergency and nonemergency forensic examinations and may by
55 rule establish additional qualifications for appropriate medical providers performing
56 nonemergency forensic examinations for children under fourteen years of age. The department
57 shall provide reimbursement regardless of whether or not the findings indicate that the child was
58 abused.

59 8. For purposes of this section, the following terms mean:

60 (1) "Appropriate medical provider":

61 (a) Any licensed nurse, physician, or physician assistant, and any institution employing
62 licensed nurses, physicians, or physician assistants, provided that such licensed professionals are
63 the only persons at such institution to perform tasks under the provisions of this section; or

64 (b) For the purposes of any nonemergency forensic examination of a child under fourteen
65 years of age, the department of public safety may establish additional qualifications for any
66 provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of
67 this section;

68 (2) "Emergency forensic examination", an examination of a person under fourteen years
69 of age that occurs within five days of the alleged sexual offense. The department of public safety
70 may further define the term emergency forensic examination by rule;

71 (3) "Evidentiary collection kit", a kit used during a forensic examination that includes
72 materials necessary for appropriate medical providers to gather evidence in accordance with the
73 forms and procedures developed by the attorney general for forensic examinations;

74 (4) "Forensic examination", an examination performed by an appropriate medical
75 provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection
76 kit or using other collection procedures developed for victims who are minors;

77 (5) "Medical treatment", the treatment of all injuries and health concerns resulting
78 directly from a patient's sexual assault or victimization;

79 (6) "Nonemergency forensic examination", an examination of a person under fourteen
80 years of age that occurs more than five days after the alleged sexual offense. The department of
81 public safety may further define the term nonemergency forensic examination by rule.

82 9. The department shall have authority to promulgate rules and regulations necessary to
83 implement the provisions of this section. Any rule or portion of a rule, as that term is defined
84 in section 536.010, that is created under the authority delegated in this section shall become
85 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if

86 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
 87 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
 88 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
 89 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
 90 and void.

**610.250. Notwithstanding any other provisions of law to the contrary, law
 2 enforcement agency records may be released for the purpose of care coordination to any
 3 covered entity, as defined in the Health Insurance Portability and Accountability Act of
 4 1996, as amended, that is providing or may provide services to any individuals if the
 5 release of such information is necessary for the preservation of health and safety of any
 6 individual or for public health and welfare.**

**650.035. 1. There is hereby created the "Missouri Law Enforcement Assistance
 2 Program" within the department of public safety.**

**3 2. The purpose of this program is to provide state financial and technical assistance
 4 to create or improve local law enforcement pilot programs that may include:**

**5 (1) Reimbursement for overtime required to enhance specialized, nonroutine
 6 training opportunities;**

7 (2) Analytical capacity for targeting enforcement efforts; and

8 (3) Community policing efforts derived from research-based models.

**9 3. Distribution of state funds or technical assistance shall be by contractual
 10 arrangement between the department and each recipient law enforcement agency. Terms
 11 of the contract shall be negotiable each year. The state auditor shall periodically audit all
 12 law enforcement agencies receiving state funds.**

**13 4. Nothing in this section shall prohibit any law enforcement agency from receiving
 14 federal or local funds should such funds become available.**

**15 5. All law enforcement agencies, municipal and county, shall be eligible to receive
 16 funding hereunder, according to standards adopted by the department of public safety,
 17 unless otherwise restricted by statute.**

**18 6. No state funds shall be expended unless appropriated by the general assembly
 19 for this purpose.**

~~2 [589.303. The "Missouri Crime Prevention Information Center" is hereby
 3 established within the department of public safety. The center, subject to
 4 appropriation and within the limits of available funds from private sources, gifts,
 5 donations, or moneys generated by center-sponsored activities, may:~~

~~6 (1) Develop, plan and implement a comprehensive, long-range,
 integrated program which will mobilize all Missouri residents, including the~~

- 7 youth of this state, in a year-round preventive effort to reduce crime, violence,
8 drug abuse and delinquency;
- 9 ~~(2) Provide a mechanism to support, unify, promote, implement, and~~
10 ~~evaluate crime prevention efforts;~~
- 11 ~~(3) Act as an information clearinghouse for crime prevention efforts;~~
- 12 ~~(4) Provide a means by which law enforcement and prevention-related~~
13 ~~agencies, civilian personnel, and the education community may acquire the~~
14 ~~resource materials, technical assistance, knowledge, and skills necessary to~~
15 ~~develop, implement and evaluate crime prevention and intervention programs;~~
- 16 ~~(5) Provide ongoing, programmatic support to crime prevention efforts~~
17 ~~of law enforcement and local crime prevention organizations, enabling them to~~
18 ~~develop programs within their jurisdiction or community;~~
- 19 ~~(6) Assist law enforcement agencies and local crime prevention~~
20 ~~organizations to increase the awareness of communities, businesses, and~~
21 ~~governments regarding the need for crime prevention while offering information~~
22 ~~on current and future programming in their communities and in this state;~~
- 23 ~~(7) Increase the availability of resource materials which may be utilized~~
24 ~~by local crime prevention programs, analyze data, evaluate needs, and develop~~
25 ~~specific crime prevention strategies;~~
- 26 ~~(8) Act as a liaison between local, state, and national agencies concerning~~
27 ~~crime prevention issues;~~
- 28 ~~(9) Coordinate efforts with any statewide associations or organizations~~
29 ~~which are also concerned with reducing crime, violence, drug abuse, and~~
30 ~~delinquency and receive from such associations or organizations advice and~~
31 ~~direction for the operation of the center and related activities;~~
- 32 ~~(10) Operate as a resource for local governments and, upon the request~~
33 ~~of any local agency, may:~~
- 34 ~~(a) Provide technical assistance in the form of resource development and~~
35 ~~distribution, consultation, community resource identification, utilization, training,~~
36 ~~and distribution, consultation, community resource identification, utilization,~~
37 ~~training, and promotion of crime prevention programs or activities;~~
- 38 ~~(b) Provide assistance in increasing the knowledge of community,~~
39 ~~business, and governmental leaders concerning the theory and operation of crime~~
40 ~~prevention and how their involvement will assist in efforts to prevent crime; and~~
- 41 ~~(c) Provide resource materials to, and assistance in developing the skills~~
42 ~~of, law enforcement personnel, which materials and skills are necessary to create~~
43 ~~successful crime prevention strategies which meet the needs of specific regions~~
44 ~~and communities throughout the state.]~~

✓