

HB 1556 -- WORK FOR RESTITUTION PROGRAM

SPONSOR: Neely

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Corrections and Public Institutions by a vote of 8 to 0.

This bill allows any local governing agency, as specified in the bill, to establish a work for restitution program and requires persons who have pled guilty or nolo contendere to or have been convicted of nonviolent offenses where restitution is a requirement of their probation to participate in and complete the program.

The bill creates the Work for Restitution Fund. Moneys appropriated to the fund shall be used solely for the administration of the provisions of the bill.

This bill is similar to HB 321 (2017).

PROponents: Supporters say that the idea is to have someone work off his or her debt to society rather than be incarcerated. The person would not only pay his or her victim, but the person would also pay the state. This is a great pathway beyond prison that gets to the heart of what plagues Missouri and the country which is the rate that we incarcerate people. It is costly to our state and to our citizens. Many offenders will reenter society, so it is a good idea to have them paying the state and their victims.

Testifying for the bill were Representative Neely and the American Civil Liberties Union.

OPponents: Those who oppose the bill say that there are already programs to make offenders pay restitution. Parole officers are allowed to collect restitution from parolees. The concern is that there is language in the legislation requiring the court to order restitution rather than incarceration. This will cause people to be put on probation who do not deserve it rather than allowing the judge to determine whether he or she should be placed on probation or incarcerated. If the court can already consider probation, then there is no good reason to require the court to consider it. This legislation would frustrate the restitution process that's already in place. Finally, the definition of "nonviolent offender" is not exhaustive; it leaves out a lot of those offenses that are actually violent.

Testifying against the bill was Missouri Association of Prosecuting Attorneys.