

HCS HB 2397 -- CRIMINAL JUSTICE

SPONSOR: Dogan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 7 to 2. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 10 to 3.

This bill modifies provisions relating to the administration of the criminal justice system.

PROBATION AND PAROLE BOARD

The bill renames the Missouri Board of Probation and Parole as the "Parole Board." The board shall exercise independence in its decision making but operate cooperatively within the Department of Corrections and with other agencies, officials, courts, and stakeholders to achieve systemic improvement. This bill specifies that the board shall adopt guidelines pertaining to: finite prison capacity for violent offenders, releasing supervision manageable cases, use of finite resources, supporting seamless reentry, setting appropriate conditions of supervision, and developing strategies for responding to violations. In addition, the bill requires the board to collect and publish data on parolees.

The bill creates the "Division of Probation and Parole" as a new division within the Department of Corrections.

This bill specifies that the Division of Probation and Parole will give administrative support to the Parole Board as well as assume supervision over all offenders subject to probation, parole, and supervision, and provide programs necessary to carry out its responsibilities. Additionally, the director of the division will assume the role of appointing probation and parole officers in lieu of the chairman of the Parole Board, and issue warrants for the arrest of persons under the supervision of the division.

The bill requires the Department of Corrections to establish a community behavioral health program; the department will collaborate with the Department of Mental Health to provide comprehensive community-based services for individuals under the supervision of the Department of Corrections who have serious behavioral health conditions. The department will report to the legislature and Governor on the status of the program.

The Department of Corrections must adopt a streamlined, validated risk/need assessment tool in order to evaluate the risk/need of offenders as it pertains to department programs. In addition, the bill modifies the parole review standards and instructs the Parole

Board to conduct a risk/need assessment prior to an offender's hearing, and allows the board to waive the hearing if the assessment indicates the offender may be paroled without an interview. However, a hearing shall be held if a victim or prosecuting attorney requests one. Also, special parole conditions shall be responsive to the assessed risk and needs of the offender.

The bill allows for a victim who has requested an opportunity to be heard by the Parole Board to receive notice that the board is conducting a risk assessment of the inmate.

The bill repeals a provision requiring an offender seeking parole to have achieved, or have made an honest good-faith effort to achieve, a high school diploma or its equivalent.

The bill authorizes community supervision centers to respond to violations and prevent revocations.

EARNED COMPLIANCE CREDIT

The bill gives the Division of Probation and Parole oversight over the awarding and supervision of earned compliance credits. The division may rescind earned credits if the offender is found ineligible for credits because of a violation that indicates a longer term of probation, parole, or conditional release is necessary. Additionally, the bill requires offenders to complete restitution prior to final discharge by the division.

VICTIM COMPENSATION AND SAFE KITS

Currently, if a victim of an offense submits a claim for compensation and the claim is rejected for lack of substantial proof, the victim has 30 days to amend his or her claim before the claim will be dismissed with prejudice. Additionally, no victim of an offense may recover if the victim has been found guilty of two felonies within the last 10 years if one or both involved illegal drugs or violence. This bill repeals those provisions.

Currently, if a victim of an offense is from outside of Missouri, the victim is not eligible for compensation unless federal funds for compensation exist. This bill repeals that provision.

Currently, compensation for medical services may not exceed \$2,500 and compensation for out-of-pocket loss as a result of property seized by a law enforcement investigation may not exceed \$250.

This bill repeals that provision. Additionally, this bill modifies the scope of "personal injury" to include emotional or mental harm.

Currently, no case may be awarded compensation if police records show a report was not issued within 48 hours. This bill repeals that provision and allows victims of domestic violence, sexual offenses, and stalking to provide sworn statements in lieu of official records.

Currently, the Department of Revenue is not liable to make payments of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the offense. This bill repeals that provision.

The bill modifies the requirements of law enforcement agencies as it pertains to the acquisition and storage of forensic examination evidence.

JAIL PAYMENTS

This bill authorizes the presiding judge of a judicial circuit to propose expenses reimbursable by the state on behalf of one or more of the counties in that circuit.

LAW ENFORCEMENT

The bill eliminates the "Missouri Crime Prevention Information Center" and replaces it with the "Missouri Law Enforcement Assistance Program," which has the purpose of providing state financial and technical assistance to programs including reimbursement for overtime, increasing analytical capacity, and community policing.

RECORDS

The bill repeals a provision requiring the deletion of uniquely identifying medical information within a criminal record prior to its being made available to qualified persons and organizations.

The bill authorizes automation of Department of Corrections records and makes some records available to law enforcement agencies and qualified persons and organizations as defined by the Health Insurance Portability and Accountability Act.

PROPONENTS: Supporters say that the Justice Reinvestment Task Force worked on this legislation. Missouri has the nation's 8th highest incarceration rate for adults, and the 5th highest for women. If nothing is done to reverse this trend, Missouri will need to build a new male prison and a new female prison by fiscal year 2023, at a cost of \$485 million. The \$5 million in appropriations will fund pilot projects for treatment programs. This legislation builds a road map for the Department of Public

Safety, Department of Mental Health, and Department of Corrections to improve and progress in matters of public safety. For example, it would be better to put some offenders on electronic monitoring rather than keeping them incarcerated. It would save the state a lot of money to do this, too. Missouri is also struggling with community-based mental health and substance abuse treatment. The worst place for inmates to get this sort of treatment is in prison. It would be wise to start these pilot programs in three test counties and see some success so they can branch out to all counties. Missouri also has a very antiquated approach to probation and parole, and this legislation corrects that issue. This also improves the collection system for sexual assault kits, and that improvement is necessary.

Testifying for the bill were Representative Dogan; Anne Precythe, Missouri Department of Corrections; Council of State Governments; Kenny Jones, Department of Corrections; Mark Stringer, Department of Mental Health; Missouri State Public Defender System; Missouri Catholic Conference; Steve Hobbs, Missouri Association of Counties; Pat Dougherty, Empower Missouri; Missouri Coalition Against Domestic & Sexual Violence; Stephen Doherty, Gateway Foundation Inc.; and Carolyn & Phil Woodard.

OPPONENTS: There was no opposition voiced to the committee.