

HCS HB 1520 -- CRIMINAL PUNISHMENT

SPONSOR: Evans

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 13 to 4 .

The following is a summary of the House Committee Substitute for HB 1520.

This bill modifies provisions relating to the duration of supervision by the Division of Probation and Parole. The bill authorizes the division to file a notification of earned discharge from probation with the court if the defendant has completed at least 24 months of the probation term, is compliant with the terms of supervision, has paid in full any ordered restitution, and the probation is not for a class A or B felony or the defendant is subject to lifetime supervision as a sexual offender.

The court shall order the offender discharged from probation within 30 days after the notification of earned discharge is filed, unless the court determines that discharge is not appropriate after holding a hearing on the matter within 60 days after the notification is filed. The prosecuting or circuit attorney can request a hearing within 30 days after the notification of earned discharge has been filed with the court.

The bill specifies that if the state opposes the division's determination, the attorney must prove, by a preponderance of the evidence, that the earned discharge is not appropriate and the offender should continue to serve the remainder of his or her probation term. If the court finds that earned discharge is not appropriate the court shall order the continuance of the probation term within 60 days after the notification of earned discharge is filed. The court may modify the conditions of probation as appropriate and may order the offender's continued supervision by either the division or the court.

This bill contains a presumption that offenders are competent to participate in parole hearings without appointed counsel unless it is shown that they cannot understand the circumstances and procedures of the hearing.

Where there is probable cause that an offender committed a felony while on probation or parole for a felony offense, then they may be presumed to pose a danger and held for a violation hearing.

The bill also modifies the relevant evidence for granting bail by including factors such as whether a defendant is a flight risk or

has previously been found guilty of specified crimes.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this provides what the Parole Board needs to consider when determining whether to release a person. Judges would still decide if someone needs to be held for further hearings for probation violations, and this would allow a probation officer to seize someone who has violated probation pending a review by the prosecutor.

Testifying for the bill were Representative Evans; Missouri Association of Prosecuting Attorneys and Missouri Office Prosecutor Service; and Jeremy Nicholas.

OPPONENTS: There was no opposition voiced to the committee.