

HB 2313 -- PROBATION AND PAROLE

SPONSOR: DeGroot

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 12 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 is the same as HB 2324 (2020)