

FIRST REGULAR SESSION

SENATE BILL NO. 558

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Read 1st time February 24, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1820S.011

AN ACT

To repeal sections 217.305 and 217.380, RSMo, and to enact in lieu thereof three new sections relating to the department of corrections.

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

Section A. Sections 217.305 and 217.380, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 217.305, 217.341, and 217.380, to read as follows:

217.305. 1. The sheriff or other officer charged with the delivery of persons committed to the department for confinement in a correctional center shall deliver the person to the reception and diagnostic center designated by the director at times and dates as designated by the director and shall receive a certificate of delivery of the offender from the center.

2. Appropriate information relating to the offender shall be provided to the department in a written or electronic format, at or before the time the offender is delivered to the department, including, but not limited to:

(1) A **certified** copy of the sentence [received] from the clerk of the sentencing court[. If provided in written form, this document shall be certified by the court;] **on the standardized form developed by the office of state courts administrator. Such form shall include specifics on any statutes violated, court ordered probation not supervised by the department, the offense cycle number and any court ordered restitution owed to the victim;**

(2) [All other judgment, sentencing and commitment orders of the court, or such documents as authorized by the prosecuting attorney or circuit attorney or required by the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

department;

(3) Further] **Available information provided in writing by the prosecutor** regarding the offender's age, crime for which sentenced [and], circumstances surrounding the crime and sentence, **names and last known address of victims, victim impact statements, and** personal history, which may include facts related to [his] **the offender's** home environment, **or** work habits, **gang affiliations, if any,** and previous convictions and commitments. Such information shall be prepared by the prosecuting attorney of the county or circuit attorney of any city not within a county who was charged with the offender's prosecution;

(3) Information provided by the sheriff or other officer charged with the delivery of persons committed to the department regarding the offender's physical and mental health while in jail. All records on medication, care, and treatment provided to the offender while in jail shall be provided to the department prior to or upon delivery of the offender. If the offender has had no physical or mental health care or medications while in jail, the sheriff or other officer shall certify that no physical or mental health care or medication records are available. The sheriff shall provide certification of all applicable jail time credit.

3. The department may refuse to accept any offender who is delivered for confinement without all required information.

217.341. Offenders who are younger than seventeen years of age and have been adjudicated as an adult shall be emancipated for the purpose of decision-making and participation in all department programs and services including but not limited to: medical care, mental health care, treatment programs, educational programs, work assignments, and rehabilitative programs.

217.380. 1. When an offender is found guilty of a violation of a correctional facility rule or convicted of a felony or misdemeanor, a record of such violation or conviction shall be recorded in the offender's file and in a central record. The record shall clearly state the offense, the reporting officer's name, when and where the violation or offense was committed and the action taken by any disciplinary body or other personnel of the department.

2. An offender who has violated any published rule or regulation of the division or correctional facility relating to the conduct of offenders may, after proper hearing and upon order of the chief administrative officer or his designee of the correctional facility, be confined in a disciplinary segregation unit for a period not to exceed thirty days. Disciplinary segregation of more than ten days may only be given for serious conduct violations as defined by rule or regulation of the division.

3. Violation hearings pursuant to the provisions of subsection 2 of this section are not contested cases pursuant to the provisions of chapter 536, RSMo. Violation hearings pursuant to the provisions of subsection 2 of this section are not subject to

the rules of evidence. The department may promulgate rules for violation hearings under the authority of subsection 2 of section 217.040. The conduct of and order from a violation hearing pursuant to the provisions of subsection 2 of this section are final and unappealable.

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