

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 966

AN ACT

To repeal sections 43.507, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof thirty-four new sections relating to administration of the criminal justice system, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 43.507, 217.015, 217.030, 217.075,
2 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720,
3 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777,
4 217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025,
5 595.030, 595.035, 595.055, and 595.220, RSMo, are repealed and
6 thirty-four new sections enacted in lieu thereof, to be known as
7 sections 43.507, 217.015, 217.021, 217.030, 217.075, 217.361,
8 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720,
9 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777,
10 217.810, 221.105, 455.095, 590.1040, 595.010, 595.015, 595.020,
11 595.025, 595.030, 595.035, 595.055, 595.220, 610.210, and
12 650.035, to read as follows:
13 43.507. All criminal history information, in the possession

1 or control of the central repository, except criminal
2 intelligence and investigative information, may be made available
3 to qualified persons and organizations for research, evaluative
4 and statistical purposes under written agreements reasonably
5 designed to ensure the security and confidentiality of the
6 information and the protection of the privacy interests of the
7 individuals who are subjects of the criminal history. [Prior to
8 such information being made available, information that uniquely
9 identifies the individual shall be deleted. Organizations
10 receiving such criminal history information shall not reestablish
11 the identity of the individual and associate it with the criminal
12 history information being provided.]

13 217.015. 1. The department shall supervise and manage all
14 correctional centers, and probation and parole of the state of
15 Missouri.

16 2. The department shall be composed of the parole board and
17 the following divisions:

- 18 (1) The division of human services;
- 19 (2) The division of adult institutions;
- 20 (3) The [board] division of probation and parole; and
- 21 (4) The division of offender rehabilitative services.

22 3. Each division may be subdivided by the director into
23 such sections, bureaus, or offices as is necessary to carry out
24 the duties assigned by law.

25 4. The department shall operate a women offender program to
26 be supervised by a director of women's programs. The purpose of
27 the women offender program shall be to ensure that female
28 offenders are provided a continuum of gender-responsive and

1 trauma-informed supervision strategies and program services
2 reflecting best practices for female probationers, prisoners and
3 parolees in areas including but not limited to classification,
4 diagnostic processes, facilities, medical and mental health care,
5 child custody and visitation.

6 5. There shall be an advisory committee under the direction
7 of the director of women's programs. The members of the
8 committee shall include the director of the office on women's
9 health, the director of the department of mental health or a
10 designee and four others appointed by the director of the
11 department of corrections. The committee shall address the needs
12 of women in the criminal justice system as they are affected by
13 the changes in their community, family concerns, the judicial
14 system and the organization and available resources of the
15 department of corrections.

16 217.021. 1. The department shall establish and implement a
17 community behavioral health program to provide comprehensive
18 community-based services for individuals under the supervision of
19 the department who have serious behavioral health conditions.

20 2. The department shall, in collaboration with the
21 department of mental health:

22 (1) Establish a referral and evaluation process for access
23 to the program;

24 (2) Establish eligibility criteria that include
25 consideration of recidivism risk and behavioral health condition
26 severity;

27 (3) Establish discharge criteria and processes, with a goal
28 of establishing a seamless transition to post-program services to

1 decrease recidivism; and

2 (4) Develop multidisciplinary program oversight, auditing,
3 and evaluation processes that shall include:

4 (a) Oversight authority of program case management services
5 through the department of mental health;

6 (b) Provider performance and outcome metrics; and

7 (c) Reports to the legislature and the governor on the
8 status of the program as requested.

9 3. The department of mental health shall, in collaboration
10 with the department of corrections:

11 (1) Contract for and pay behavioral health service
12 providers under the program;

13 (2) Supervise, support, and monitor referral caseloads and
14 the provision of services by contract behavioral health service
15 providers;

16 (3) Require that contract behavioral health service
17 providers:

18 (a) Accept all eligible referrals, provide individualized
19 care delivered through integrated multidisciplinary care teams,
20 and continue services on an ongoing basis until established
21 discharge criteria are met;

22 (b) Accept reimbursement on a per-month, per-referral
23 basis, and ensure that the payment schedule is based on a pay-
24 for-performance model that includes consideration of identified
25 outcomes and the level of services required; and

26 (c) Bill third parties for services.

27 217.030. The director shall appoint the directors of the
28 divisions of the department, except the chairman of the parole

1 board [of probation and parole] who shall be appointed by the
2 governor [and who shall serve as the director of the division of
3 probation and parole]. Division directors shall serve at the
4 pleasure of the director, except the chairman of the parole board
5 [of probation and parole] who shall serve in the capacity of
6 chairman at the pleasure of the governor. The director of the
7 department shall be the appointing authority under chapter 36 to
8 employ such administrative, technical and other personnel who may
9 be assigned to the department generally rather than to any of the
10 department divisions or facilities and whose employment is
11 necessary for the performance of the powers and duties of the
12 department.

13 217.075. 1. All offender records compiled, obtained,
14 prepared or maintained by the department or its divisions shall
15 be designated public records within the meaning of chapter 610
16 except:

17 (1) Any information, report, record or other document
18 pertaining to an offender's personal medical history, which shall
19 be a closed record;

20 (2) Any information, report, record or other document in
21 the control of the department or its divisions authorized by
22 federal or state law to be a closed record;

23 (3) Any internal administrative report or document relating
24 to institutional security.

25 2. The court of jurisdiction, or the department, may at
26 their discretion permit the inspection of the department reports
27 or parts of such reports by the offender, whenever the court or
28 department determines that such inspection is in the best

1 interest or welfare of the offender.

2 3. [The] Department records may [permit inspection of its
3 files by] be automated and made available to:

4 (1) Treatment agencies working with the department in the
5 treatment of the offender;

6 (2) Law enforcement agencies; or

7 (3) Qualified persons and organizations for research,
8 evaluative, and statistical purposes under written agreements
9 reasonably designed to ensure the security and confidentiality of
10 the information and the protection of the privacy interests of
11 the individuals who are subjects of the records.

12 4. No department employee shall have access to any material
13 closed by this section unless such access is necessary for the
14 employee to carry out his duties. The department by rule shall
15 determine what department employees or other persons shall have
16 access to closed records and the procedures needed to maintain
17 the confidentiality of such closed records.

18 5. No person, association, firm, corporation or other
19 agency shall knowingly solicit, disclose, receive, publish, make
20 use of, authorize, permit, participate in or acquiesce in the use
21 of any name or lists of names for commercial or political
22 purposes of any nature in violation of this section.

23 6. All health care providers and hospitals who have cared
24 for offenders during the period of the offender's incarceration
25 shall provide a copy of all medical records in their possession
26 related to such offender upon demand from the department's health
27 care administrator. The department shall provide reasonable
28 compensation for the cost of such copies and no health care

1 provider shall be liable for breach of confidentiality when
2 acting pursuant to this subsection.

3 7. Copies of all papers, documents, or records compiled,
4 obtained, prepared or maintained by the department or its
5 divisions, properly certified by the appropriate division, shall
6 be admissible as evidence in all courts and in all administrative
7 tribunals in the same manner and with like effect as the
8 originals, whenever the papers, documents, or records are either
9 designated by the department of corrections as public records
10 within the meaning of chapter 610 or are declared admissible as
11 evidence by a court of competent jurisdiction or administrative
12 tribunal of competent jurisdiction.

13 8. Any person found guilty of violating the provisions of
14 this section shall be guilty of a class A misdemeanor.

15 217.361. 1. The department shall adopt streamlined,
16 validated risk and need assessment tools for men and women, and
17 review the tools and scoring cutoffs every five years for
18 predictive validity across gender and racial groups.

19 2. This subsection applies to all programs operated with
20 department funding. The department shall develop procedures to
21 promote the use of:

22 (1) Risk and need assessment and appropriate risk and need
23 levels to prioritize access to programs;

24 (2) Consistent criteria for admission into programs; and

25 (3) Recidivism measurement by risk and need level as part
26 of assessing the effectiveness of programs.

27 3. For offenders under supervision, the department shall:

28 (1) Implement evidence-based cognitive-behavioral programs;

1 (2) Adopt behavior response policy guiding sanction and
2 incentive responses; and

3 (3) Adopt policy for readministration of risk and need
4 assessment tools to guide case management practices and
5 supervision level.

6 4. For department staff in institutional and community
7 settings, the department shall:

8 (1) Require periodic training on how to complete risk and
9 need assessment tools and apply the results in making decisions
10 affecting client interactions and program placements;

11 (2) Provide training on how to maximize client interactions
12 and use of case plans; and

13 (3) Measure staff performance against best practices.

14 5. For community-based mental health treatment programs,
15 the department shall adopt a protocol to collect data on quality
16 assurance.

17 6. The department shall adopt performance metrics to report
18 on supervision outcomes.

19 217.655. 1. The parole board [of probation and parole]
20 shall be responsible for determining whether a person confined in
21 the department shall be paroled or released conditionally as
22 provided by section 558.011. The board shall receive
23 administrative support from the division of probation and parole.
24 The division of probation and parole shall provide supervision to
25 all persons referred by the circuit courts of the state as
26 provided by sections 217.750 and 217.760. The board shall
27 exercise independence in making decisions about individual cases,
28 but operate cooperatively within the department and with other

1 agencies, officials, courts, and stakeholders to achieve systemic
2 improvement including the requirements of this section.

3 2. The board shall adopt parole guidelines to:

4 (1) Preserve finite prison capacity for the most serious
5 and violent offenders;

6 (2) Release supervision-manageable cases consistent with
7 section 217.690;

8 (3) Use finite resources guided by validated risk and needs
9 assessments;

10 (4) Support a seamless reentry process;

11 (5) Set appropriate conditions of supervision; and

12 (6) Develop effective strategies for responding to
13 violation behaviors.

14 3. The board shall collect, analyze, and apply data in
15 carrying out its responsibilities to achieve its mission and end
16 goals. The board shall establish agency performance and outcome
17 measures that are directly responsive to statutory
18 responsibilities and consistent with agency goals for release
19 decisions, supervision, revocation, recidivism, and caseloads.

20 4. The board shall publish parole data, including grant
21 rates, revocation and recidivism rates, length of time served,
22 and successful supervision completions, and other performance
23 metrics.

24 5. The board shall provide for appropriate training to
25 members and staff, including communication skills.

26 6. The [board] division of probation and parole shall
27 provide such programs as necessary to carry out its
28 responsibilities consistent with its goals and statutory

1 obligations.

2 217.665. 1. Beginning August 28, 1996, the parole board
3 [of probation and parole] shall consist of seven members
4 appointed by the governor by and with the advice and consent of
5 the senate.

6 2. Beginning August 28, 1996, members of the board shall be
7 persons of recognized integrity and honor, known to possess
8 education and ability in decision making through career
9 experience and other qualifications for the successful
10 performance of their official duties. Not more than four members
11 of the board shall be of the same political party.

12 3. At the expiration of the term of each member and of each
13 succeeding member, the governor shall appoint a successor who
14 shall hold office for a term of six years and until his successor
15 has been appointed and qualified. Members may be appointed to
16 succeed themselves.

17 4. Vacancies occurring in the office of any member shall be
18 filled by appointment by the governor for the unexpired term.

19 5. The governor shall designate one member of the board as
20 chairman and one member as vice chairman. The chairman shall [be
21 the director of the division and shall have charge of the
22 division's operations, funds and expenditures] establish the
23 duties and responsibilities of the members of the board and
24 supervise their performance and may require reports from any
25 member as to his or her conduct and exercise of duties. In the
26 event of the chairman's removal, death, resignation, or inability
27 to serve, the vice chairman shall act as chairman upon written
28 order of the governor or chairman.

1 6. Members of the board shall devote full time to the
2 duties of their office and before taking office shall subscribe
3 to an oath or affirmation to support the Constitution of the
4 United States and the Constitution of the State of Missouri. The
5 oath shall be signed in the office of the secretary of state.

6 7. The annual compensation for each member of the board
7 whose term commenced before August 28, 1999, shall be forty-five
8 thousand dollars plus any salary adjustment, including prior
9 salary adjustments, provided pursuant to section 105.005.

10 Salaries for board members whose terms commence after August 27,
11 1999, shall be set as provided in section 105.950; provided,
12 however, that the compensation of a board member shall not be
13 increased during the member's term of office, except as provided
14 in section 105.005. In addition to compensation provided by law,
15 the members shall be entitled to reimbursement for necessary
16 travel and other expenses incurred pursuant to section 33.090.

17 8. Any person who served as a member of the board of
18 probation and parole prior to July 1, 2000, shall be made,
19 constituted, appointed and employed by the board of trustees of
20 the state employees' retirement system as a special consultant on
21 the problems of retirement, aging and other state matters. As
22 compensation for such services, such consultant shall not be
23 denied use of any unused sick leave, or the ability to receive
24 credit for unused sick leave pursuant to chapter 104, provided
25 such sick leave was maintained by the board of probation and
26 parole in the regular course of business prior to July 1, 2000,
27 but only to the extent of such sick leave records are consistent
28 with the rules promulgated pursuant to section 36.350. Nothing

1 in this section shall authorize the use of any other form of
2 leave that may have been maintained by the board prior to July 1,
3 2000.

4 217.670. 1. The board shall adopt an official seal of
5 which the courts shall take official notice.

6 2. Decisions of the board regarding granting of paroles,
7 extensions of a conditional release date or revocations of a
8 parole or conditional release shall be by a majority vote of the
9 hearing panel members. The hearing panel shall consist of one
10 member of the board and two hearing officers appointed by the
11 board. A member of the board may remove the case from the
12 jurisdiction of the hearing panel and refer it to the full board
13 for a decision. Within thirty days of entry of the decision of
14 the hearing panel to deny parole or to revoke a parole or
15 conditional release, the offender may appeal the decision of the
16 hearing panel to the board. The board shall consider the appeal
17 within thirty days of receipt of the appeal. The decision of the
18 board shall be by majority vote of the board members and shall be
19 final.

20 3. The orders of the board shall not be reviewable except
21 as to compliance with the terms of sections 217.650 to 217.810 or
22 any rules promulgated pursuant to such section.

23 4. The board shall keep a record of its acts and shall
24 notify each correctional center of its decisions relating to
25 persons who are or have been confined in such correctional
26 center.

27 5. Notwithstanding any other provision of law, any meeting,
28 record, or vote, of proceedings involving probation, parole, or

1 pardon, may be a closed meeting, closed record, or closed vote.

2 6. Notwithstanding any other provision of law, when the
3 appearance or presence of an offender before the board or a
4 hearing panel is required for the purpose of deciding whether to
5 grant conditional release or parole, extend the date of
6 conditional release, revoke parole or conditional release, or for
7 any other purpose, such appearance or presence may occur by means
8 of a videoconference at the discretion of the board. Victims
9 having a right to attend parole hearings may testify either at
10 the site where the board is conducting the videoconference or at
11 the institution where the offender is located. The use of
12 videoconferencing in this section shall be at the discretion of
13 the board, and shall not be utilized if either [the offender,]
14 the victim or the victim's family objects to it.

15 217.690. 1. [When in its opinion there is reasonable
16 probability that an offender of a correctional center can be
17 released without detriment to the community or to himself, the
18 board may in its discretion release or parole such person except
19 as otherwise prohibited by law.] All releases or paroles shall
20 issue upon order of the board, duly adopted.

21 2. Before ordering the parole of any offender, the board
22 shall conduct a validated risk and needs assessment and evaluate
23 the case under the rules governing parole that are promulgated by
24 the board. The board shall then have the offender appear before
25 a hearing panel and shall conduct a personal interview with him,
26 unless waived by the offender, or if the guidelines indicate the
27 offender may be paroled without need for an interview. The
28 appearance or presence may occur by means of a videoconference at

1 the discretion of the board. A parole [shall] may be ordered
2 [only for the best interest of society] when there is a
3 reasonable probability, based on the risk assessment and
4 indicators of release readiness, that the person can be
5 supervised under parole supervision and successfully reintegrated
6 into the community, not as an award of clemency; it shall not be
7 considered a reduction of sentence or a pardon. [An offender
8 shall be placed on parole only when the board believes that he is
9 able and willing to fulfill the obligations of a law-abiding
10 citizen.] Every offender while on parole shall remain in the
11 legal custody of the department but shall be subject to the
12 orders of the board.

13 3. The [board] division of probation and parole has
14 discretionary authority to require the payment of a fee, not to
15 exceed sixty dollars per month, from every offender placed under
16 [board] division supervision on probation, parole, or conditional
17 release, to waive all or part of any fee, to sanction offenders
18 for willful nonpayment of fees, and to contract with a private
19 entity for fee collections services. All fees collected shall be
20 deposited in the inmate fund established in section 217.430.
21 Fees collected may be used to pay the costs of contracted
22 collections services. The fees collected may otherwise be used
23 to provide community corrections and intervention services for
24 offenders. Such services include substance abuse assessment and
25 treatment, mental health assessment and treatment, electronic
26 monitoring services, residential facilities services, employment
27 placement services, and other offender community corrections or
28 intervention services designated by the [board] division of

1 probation and parole to assist offenders to successfully complete
2 probation, parole, or conditional release. The board shall adopt
3 rules not inconsistent with law, in accordance with section
4 217.040, with respect to sanctioning offenders and with respect
5 to establishing, waiving, collecting, and using fees.

6 4. The board shall adopt rules not inconsistent with law,
7 in accordance with section 217.040, with respect to the
8 eligibility of offenders for parole, the conduct of parole
9 hearings or conditions to be imposed upon paroled offenders.
10 Whenever an order for parole is issued it shall recite the
11 conditions of such parole.

12 5. When considering parole for an offender with consecutive
13 sentences, the minimum term for eligibility for parole shall be
14 calculated by adding the minimum terms for parole eligibility for
15 each of the consecutive sentences, except the minimum term for
16 parole eligibility shall not exceed the minimum term for parole
17 eligibility for an ordinary life sentence.

18 6. Any offender under a sentence for first degree murder
19 who has been denied release on parole after a parole hearing
20 shall not be eligible for another parole hearing until at least
21 three years from the month of the parole denial; however, this
22 subsection shall not prevent a release pursuant to subsection 4
23 of section 558.011.

24 7. A victim who has requested an opportunity to be heard
25 shall receive notice that the board is conducting an assessment
26 of the offender's risk and readiness for release and that the
27 victim's input will be particularly helpful when it pertains to
28 safety concerns and specific protective measures that may be

1 beneficial to the victim should the offender be granted release.

2 8. Parole hearings shall, at a minimum, contain the
3 following procedures:

4 (1) The victim or person representing the victim who
5 attends a hearing may be accompanied by one other person;

6 (2) The victim or person representing the victim who
7 attends a hearing shall have the option of giving testimony in
8 the presence of the inmate or to the hearing panel without the
9 inmate being present;

10 (3) The victim or person representing the victim may call
11 or write the parole board rather than attend the hearing;

12 (4) The victim or person representing the victim may have a
13 personal meeting with a board member at the board's central
14 office;

15 (5) The judge, prosecuting attorney or circuit attorney and
16 a representative of the local law enforcement agency
17 investigating the crime shall be allowed to attend the hearing or
18 provide information to the hearing panel in regard to the parole
19 consideration; and

20 (6) The board shall evaluate information listed in the
21 juvenile sex offender registry pursuant to section 211.425,
22 provided the offender is between the ages of seventeen and
23 twenty-one, as it impacts the safety of the community.

24 [8.] 9. The board shall notify any person of the results of
25 a parole eligibility hearing if the person indicates to the board
26 a desire to be notified.

27 [9.] 10. The board may, at its discretion, require any
28 offender seeking parole to meet certain conditions during the

1 term of that parole so long as said conditions are not illegal or
2 impossible for the offender to perform. These conditions may
3 include an amount of restitution to the state for the cost of
4 that offender's incarceration.

5 11. Special parole conditions shall be responsive to the
6 assessed risk and needs of the offender or the need for
7 extraordinary supervision, such as electronic monitoring. The
8 board shall adopt rules to minimize the conditions placed on low
9 risk cases, to frontload conditions upon release, and to require
10 the modification and reduction of conditions based on the
11 person's continuing stability in the community. Board rules
12 shall permit parole conditions to be modified by parole officers
13 with review and approval by supervisors.

14 [10.] 12. Nothing contained in this section shall be
15 construed to require the release of an offender on parole nor to
16 reduce the sentence of an offender heretofore committed.

17 [11. Beginning January 1, 2001, the board shall not order a
18 parole unless the offender has obtained a high school diploma or
19 its equivalent, or unless the board is satisfied that the
20 offender, while committed to the custody of the department, has
21 made an honest good-faith effort to obtain a high school diploma
22 or its equivalent; provided that the director may waive this
23 requirement by certifying in writing to the board that the
24 offender has actively participated in mandatory education
25 programs or is academically unable to obtain a high school
26 diploma or its equivalent.

27 12.] 13. Any rule or portion of a rule, as that term is
28 defined in section 536.010, that is created under the authority

1 delegated in this section shall become effective only if it
2 complies with and is subject to all of the provisions of chapter
3 536 and, if applicable, section 536.028. This section and
4 chapter 536 are nonseverable and if any of the powers vested with
5 the general assembly pursuant to chapter 536 to review, to delay
6 the effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2005,
9 shall be invalid and void.

10 217.703. 1. The division of probation and parole shall
11 award earned compliance credits to any offender who is:

12 (1) Not subject to lifetime supervision under sections
13 217.735 and 559.106 or otherwise found to be ineligible to earn
14 credits by a court pursuant to subsection 2 of this section;

15 (2) On probation, parole, or conditional release for an
16 offense listed in chapter 579, or an offense previously listed in
17 chapter 195, or for a class D or E felony, excluding [the
18 offenses of stalking in the first degree, rape in the second
19 degree, sexual assault, sodomy in the second degree] sections
20 565.225, 566.031, 566.061, 566.093, 568.020, 568.060, offenses
21 defined as "sexual assault" under section 589.015, deviate sexual
22 assault, assault in the second degree under subdivision (2) of
23 subsection 1 of section 565.052, [sexual misconduct involving a
24 child,] endangering the welfare of a child in the first degree
25 under subdivision (2) of subsection 1 of section 568.045,
26 [incest, invasion of privacy, abuse of a child,] and any offense
27 of aggravated stalking or assault in the second degree under
28 subdivision (2) of subsection 1 of section 565.060 as such

1 offenses existed prior to January 1, 2017;

2 (3) Supervised by the [board] division of probation and
3 parole; and

4 (4) In compliance with the conditions of supervision
5 imposed by the sentencing court or board.

6 2. If an offender was placed on probation, parole, or
7 conditional release for an offense of:

8 (1) Involuntary manslaughter in the second degree;

9 (2) Assault in the second degree except under subdivision
10 (2) of subsection 1 of section 565.052 or section 565.060 as it
11 existed prior to January 1, 2017;

12 (3) Domestic assault in the second degree;

13 (4) Assault in the third degree when the victim is a
14 special victim or assault of a law enforcement officer in the
15 second degree as it existed prior to January 1, 2017;

16 (5) Statutory rape in the second degree;

17 (6) Statutory sodomy in the second degree;

18 (7) Endangering the welfare of a child in the first degree
19 under subdivision (1) of subsection 1 of section 568.045; or

20 (8) Any case in which the defendant is found guilty of a
21 felony offense under chapter 571;

22
23 the sentencing court may, upon its own motion or a motion of the
24 prosecuting or circuit attorney, make a finding that the offender
25 is ineligible to earn compliance credits because the nature and
26 circumstances of the offense or the history and character of the
27 offender indicate that a longer term of probation, parole, or
28 conditional release is necessary for the protection of the public

1 or the guidance of the offender. The motion may be made any time
2 prior to the first month in which the person may earn compliance
3 credits under this section or at a hearing under subsection 5 of
4 this section. The offender's ability to earn credits shall be
5 suspended until the court or board makes its finding. If the
6 court or board finds that the offender is eligible for earned
7 compliance credits, the credits shall begin to accrue on the
8 first day of the next calendar month following the issuance of
9 the decision.

10 3. Earned compliance credits shall reduce the term of
11 probation, parole, or conditional release by thirty days for each
12 full calendar month of compliance with the terms of supervision.
13 Credits shall begin to accrue for eligible offenders after the
14 first full calendar month of supervision or on October 1, 2012,
15 if the offender began a term of probation, parole, or conditional
16 release before September 1, 2012.

17 4. For the purposes of this section, the term "compliance"
18 shall mean the absence of an initial violation report or notice
19 of citation submitted by a probation or parole officer during a
20 calendar month, or a motion to revoke or motion to suspend filed
21 by a prosecuting or circuit attorney, against the offender.

22 5. Credits shall not accrue during any calendar month in
23 which a violation report, which may include a report of absconder
24 status, has been submitted, the offender is in custody, or a
25 motion to revoke or motion to suspend has been filed, and shall
26 be suspended pending the outcome of a hearing, if a hearing is
27 held. If no hearing is held, or if a hearing is held and the
28 offender is continued under supervision, or the court or board

1 finds that the violation did not occur, then the offender shall
2 be deemed to be in compliance and shall begin earning credits on
3 the first day of the next calendar month following the month in
4 which the report was submitted or the motion was filed. If a
5 hearing is held, all earned credits shall be rescinded if:

6 (1) The court or board revokes the probation or parole or
7 the court places the offender in a department program under
8 subsection 4 of section 559.036 or under section 217.785; or

9 (2) The offender is found by the court or board to be
10 ineligible to earn compliance credits because the nature and
11 circumstances of the violation indicate that a longer term of
12 probation, parole, or conditional release is necessary for the
13 protection of the public or the guidance of the offender.

14
15 Earned credits, if not rescinded, shall continue to be suspended
16 for a period of time during which the court or board has
17 suspended the term of probation, parole, or release, and shall
18 begin to accrue on the first day of the next calendar month
19 following the lifting of the suspension.

20 6. Offenders who are deemed by the division to be
21 absconders shall not earn credits. For purposes of this
22 subsection, "absconder" shall mean an offender under supervision
23 whose whereabouts are unknown and who has left such offender's
24 place of residency without the permission of the offender's
25 supervising officer and without notifying of their whereabouts
26 for the purpose of avoiding supervision. An offender shall no
27 longer be deemed an absconder when such offender is available for
28 active supervision.

1 7. Notwithstanding subsection 2 of section 217.730 to the
2 contrary, once the combination of time served in custody, if
3 applicable, time served on probation, parole, or conditional
4 release, and earned compliance credits satisfy the total term of
5 probation, parole, or conditional release, the board or
6 sentencing court shall order final discharge of the offender, so
7 long as the offender has completed restitution and at least two
8 years of his or her probation [or], parole, or conditional
9 release, which shall include any time served in custody under
10 section 217.718 and sections 559.036 and 559.115.

11 8. The award or rescission of any credits earned under this
12 section shall not be subject to appeal or any motion for
13 postconviction relief.

14 9. At least twice a year, the division shall calculate the
15 number of months the offender has remaining on his or her term of
16 probation, parole, or conditional release, taking into
17 consideration any earned compliance credits, and notify the
18 offender of the length of the remaining term.

19 10. No less than sixty days before the date of final
20 discharge, the division shall notify the sentencing court, the
21 board, and, for probation cases, the circuit or prosecuting
22 attorney of the impending discharge. If the sentencing court,
23 the board, or the circuit or prosecuting attorney upon receiving
24 such notice does not take any action under subsection 5 of this
25 section, the offender shall be discharged under subsection 7 of
26 this section.

27 11. Any offender who was sentenced prior to January 1,
28 2017, to an offense that was eligible for earned compliance

1 credits under subsection 1 or 2 of this section at the time of
2 sentencing shall continue to remain eligible for earned
3 compliance credits so long as the offender meets all the other
4 requirements provided under this section.

5 217.705. 1. The ~~chairman~~ director of the division of
6 probation and parole shall appoint probation and parole officers
7 and institutional parole officers as deemed necessary to carry
8 out the purposes of the board.

9 2. Probation and parole officers shall investigate all
10 persons referred to them for investigation by the board or by any
11 court as provided by sections 217.750 and 217.760. They shall
12 furnish to each offender released under their supervision a
13 written statement of the conditions of probation, parole or
14 conditional release and shall instruct the offender regarding
15 these conditions. They shall keep informed of the offender's
16 conduct and condition and use all suitable methods to aid and
17 encourage the offender to bring about improvement in the
18 offender's conduct and conditions.

19 3. The probation and parole officer may recommend and, by
20 order duly entered, the court may impose and may at any time
21 modify any conditions of probation. The court shall cause a copy
22 of any such order to be delivered to the probation and parole
23 officer and the offender.

24 4. Probation and parole officers shall keep detailed
25 records of their work and shall make such reports in writing and
26 perform such other duties as may be incidental to those
27 enumerated that the board may require. In the event a parolee is
28 transferred to another probation and parole officer, the written

1 record of the former probation and parole officer shall be given
2 to the new probation and parole officer.

3 5. Institutional parole officers shall investigate all
4 offenders referred to them for investigation by the board and
5 shall provide the board such other reports the board may require.
6 They shall furnish the offender prior to release on parole or
7 conditional release a written statement of the conditions of
8 parole or conditional release and shall instruct the offender
9 regarding these conditions.

10 6. The department shall furnish probation and parole
11 officers and institutional parole officers, including
12 supervisors, with credentials and a special badge which such
13 officers and supervisors shall carry on their person at all times
14 while on duty.

15 217.720. 1. At any time during release on parole or
16 conditional release the [board] division of probation and parole
17 may issue a warrant for the arrest of a released offender for
18 violation of any of the conditions of parole or conditional
19 release. The warrant shall authorize any law enforcement officer
20 to return the offender to the actual custody of the correctional
21 center from which the offender was released, or to any other
22 suitable facility designated by the [board] division. If any
23 parole or probation officer has probable cause to believe that
24 such offender has violated a condition of parole or conditional
25 release, the probation or parole officer may issue a warrant for
26 the arrest of the offender. The probation or parole officer may
27 effect the arrest or may deputize any officer with the power of
28 arrest to do so by giving the officer a copy of the warrant which

1 shall outline the circumstances of the alleged violation and
2 contain the statement that the offender has, in the judgment of
3 the probation or parole officer, violated conditions of parole or
4 conditional release. The warrant delivered with the offender by
5 the arresting officer to the official in charge of any facility
6 designated by the [board] division to which the offender is
7 brought shall be sufficient legal authority for detaining the
8 offender. After the arrest the parole or probation officer shall
9 present to the detaining authorities a similar statement of the
10 circumstances of violation. Pending hearing as hereinafter
11 provided, upon any charge of violation, the offender shall remain
12 in custody or incarcerated without consideration of bail.

13 2. If the offender is arrested under the authority granted
14 in subsection 1 of this section, the offender shall have the
15 right to a preliminary hearing on the violation charged unless
16 the offender waives such hearing. Upon such arrest and
17 detention, the parole or probation officer shall immediately
18 notify the board and shall submit in writing a report showing in
19 what manner the offender has violated the conditions of his
20 parole or conditional release. The board shall order the
21 offender discharged from such facility, require as a condition of
22 parole or conditional release the placement of the offender in a
23 treatment center operated by the department of corrections, or
24 shall cause the offender to be brought before it for a hearing on
25 the violation charged, under such rules and regulations as the
26 board may adopt. If the violation is established and found, the
27 board may continue or revoke the parole or conditional release,
28 or enter such other order as it may see fit. If no violation is

1 established and found, then the parole or conditional release
2 shall continue. If at any time during release on parole or
3 conditional release the offender is arrested for a crime which
4 later leads to conviction, and sentence is then served outside
5 the Missouri department of corrections, the board shall determine
6 what part, if any, of the time from the date of arrest until
7 completion of the sentence imposed is counted as time served
8 under the sentence from which the offender was paroled or
9 conditionally released.

10 3. An offender for whose return a warrant has been issued
11 by the [board] division shall, if it is found that the warrant
12 cannot be served, be deemed to be a fugitive from justice or to
13 have fled from justice. If it shall appear that the offender has
14 violated the provisions and conditions of his parole or
15 conditional release, the board shall determine whether the time
16 from the issuing date of the warrant to the date of his arrest on
17 the warrant, or continuance on parole or conditional release
18 shall be counted as time served under the sentence. In all other
19 cases, time served on parole or conditional release shall be
20 counted as time served under the sentence.

21 4. At any time during parole or probation, the [board]
22 division may issue a warrant for the arrest of any person from
23 another jurisdiction, the visitation and supervision of whom the
24 [board] division has undertaken pursuant to the provisions of the
25 interstate compact for the supervision of parolees and
26 probationers authorized in section 217.810, for violation of any
27 of the conditions of release, or a notice to appear to answer a
28 charge of violation. The notice shall be served personally upon

1 the person. The warrant shall authorize any law enforcement
2 officer to return the offender to any suitable detention facility
3 designated by the [board] division. Any parole or probation
4 officer may arrest such person without a warrant, or may deputize
5 any other officer with power of arrest to do so by issuing a
6 written statement setting forth that the defendant has, in the
7 judgment of the parole or probation officer, violated the
8 conditions of his release. The written statement delivered with
9 the person by the arresting officer to the official in charge of
10 the detention facility to which the person is brought shall be
11 sufficient legal authority for detaining him. After making an
12 arrest the parole or probation officer shall present to the
13 detaining authorities a similar statement of the circumstances of
14 violation.

15 217.722. 1. If any probation officer has probable cause to
16 believe that the person on probation has violated a condition of
17 probation, the probation officer may issue a warrant for the
18 arrest of the person on probation. The officer may effect the
19 arrest or may deputize any other officer with the power of arrest
20 to do so by giving the officer a copy of the warrant which will
21 outline the circumstances of the alleged violation and contain
22 the statement that the person on probation has, in the judgment
23 of the probation officer, violated the conditions of probation.
24 The warrant delivered with the offender by the arresting officer
25 to the official in charge of any jail or other detention facility
26 shall be sufficient authority for detaining the person on
27 probation pending a preliminary hearing on the alleged violation.
28 Other provisions of law relating to release on bail of persons

1 charged with criminal offenses shall be applicable to persons
2 detained on alleged probation violations.

3 2. Any person on probation arrested under the authority
4 granted in subsection 1 of this section shall have the right to a
5 preliminary hearing on the violation charged as long as the
6 person on probation remains in custody or unless the offender
7 waives such hearing. The person on probation shall be notified
8 immediately in writing of the alleged probation violation. If
9 arrested in the jurisdiction of the sentencing court, and the
10 court which placed the person on probation is immediately
11 available, the preliminary hearing shall be heard by the
12 sentencing court. Otherwise, the person on probation shall be
13 taken before a judge or associate circuit judge in the county of
14 the alleged violation or arrest having original jurisdiction to
15 try criminal offenses or before an impartial member of the staff
16 of the [Missouri board] division of probation and parole, and the
17 preliminary hearing shall be held as soon as possible after the
18 arrest. Such preliminary hearings shall be conducted as provided
19 by rule of court or by rules of the [Missouri] parole board [of
20 probation and parole]. If it appears that there is probable
21 cause to believe that the person on probation has violated a
22 condition of probation, or if the person on probation waives the
23 preliminary hearing, the judge or associate circuit judge, or
24 member of the staff of the [Missouri board] division of probation
25 and parole shall order the person on probation held for further
26 proceedings in the sentencing court. If probable cause is not
27 found, the court shall not be barred from holding a hearing on
28 the question of the alleged violation of a condition of probation

1 nor from ordering the person on probation to be present at such a
2 hearing.

3 3. Upon such arrest and detention, the probation officer
4 shall immediately notify the sentencing court and shall submit to
5 the court a written report showing in what manner the person on
6 probation has violated the conditions of probation. Thereupon,
7 or upon arrest by warrant, the court shall cause the person on
8 probation to be brought before it without unnecessary delay for a
9 hearing on the violation charged. Revocation hearings shall be
10 conducted as provided by rule of court.

11 217.735. 1. Notwithstanding any other provision of law to
12 the contrary, the [board] division of probation and parole shall
13 supervise an offender for the duration of his or her natural life
14 when the offender has been found guilty of an offense under:

15 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067,
16 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or
17 568.090 based on an act committed on or after August 28, 2006; or

18 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or
19 573.205 based on an act committed on or after January 1, 2017,
20 against a victim who was less than fourteen years old and the
21 offender is a prior sex offender as defined in subsection 2 of
22 this section.

23 2. For the purpose of this section, a prior sex offender is
24 a person who has previously pleaded guilty to or been found
25 guilty of an offense contained in chapter 566 or violating
26 section 568.020 when the person had sexual intercourse or deviate
27 sexual intercourse with the victim, or violating subdivision (2)
28 of subsection 1 of section 568.045.

1 3. Subsection 1 of this section applies to offenders who
2 have been granted probation, and to offenders who have been
3 released on parole, conditional release, or upon serving their
4 full sentence without early release. Supervision of an offender
5 who was released after serving his or her full sentence will be
6 considered as supervision on parole.

7 4. A mandatory condition of lifetime supervision of an
8 offender under this section is that the offender be
9 electronically monitored. Electronic monitoring shall be based
10 on a global positioning system or other technology that
11 identifies and records the offender's location at all times.

12 5. In appropriate cases as determined by a risk assessment,
13 the board may terminate the supervision of an offender who is
14 being supervised under this section when the offender is
15 sixty-five years of age or older.

16 6. In accordance with section 217.040, the board may adopt
17 rules relating to supervision and electronic monitoring of
18 offenders under this section.

19 217.750. 1. At the request of a judge of any circuit
20 court, the [board] division of probation and parole shall provide
21 probation services for such court as provided in subsection 2 of
22 this section.

23 2. The [board] division of probation and parole shall
24 provide probation services for any person convicted of any class
25 of felony. The [board] division of probation and parole shall
26 not provide probation services for any class of misdemeanor
27 except those class A misdemeanors the basis of which is contained
28 in chapters 565 and 566 or in section 568.050, 455.085, 589.425,

1 or section 455.538.

2 217.755. The [board] division of probation and parole shall
3 adopt general rules and regulations, in accordance with section
4 217.040, concerning the conditions of probation applicable to
5 cases in the courts for which it provides probation service.
6 Nothing herein, however, shall limit the authority of the court
7 to impose or modify any general or specific conditions of
8 probation.

9 217.760. 1. In all felony cases and class A misdemeanor
10 cases, the basis of which misdemeanor cases are contained in
11 chapters 565 and 566 and section 577.023, at the request of a
12 circuit judge of any circuit court, the [board] division of
13 probation and parole shall assign one or more state probation and
14 parole officers to make an investigation of the person convicted
15 of the crime or offense before sentence is imposed. In all
16 felony cases in which the recommended sentence established by the
17 sentencing advisory commission pursuant to subsection 6 of
18 section 558.019 includes probation but the recommendation of the
19 prosecuting attorney or circuit attorney does not include
20 probation, the [board] division of probation and parole shall,
21 prior to sentencing, provide the judge with a report on available
22 alternatives to incarceration. If a presentence investigation
23 report is completed then the available alternatives shall be
24 included in the presentence investigation report.

25 2. The report of the presentence investigation or preparole
26 investigation shall contain any prior criminal record of the
27 defendant and such information about his or her characteristics,
28 his or her financial condition, his or her social history, the

1 circumstances affecting his or her behavior as may be helpful in
2 imposing sentence or in granting probation or in the correctional
3 treatment of the defendant, information concerning the impact of
4 the crime upon the victim, the recommended sentence established
5 by the sentencing advisory commission and available alternatives
6 to incarceration including opportunities for restorative justice,
7 as well as a recommendation by the probation and parole officer.
8 The officer shall secure such other information as may be
9 required by the court and, whenever it is practicable and needed,
10 such investigation shall include a physical and mental
11 examination of the defendant.

12 217.762. 1. Prior to sentencing any defendant convicted of
13 a felony which resulted in serious physical injury or death to
14 the victim, a presentence investigation shall be conducted by the
15 [board] division of probation and parole to be considered by the
16 court, unless the court orders otherwise.

17 2. The presentence investigation shall include a victim
18 impact statement if the defendant caused physical, psychological,
19 or economic injury to the victim.

20 3. If the court does not order a presentence investigation,
21 the prosecuting attorney may prepare a victim impact statement to
22 be submitted to the court. The court shall consider the victim
23 impact statement in determining the appropriate sentence, and in
24 entering any order of restitution to the victim.

25 4. A victim impact statement shall:

26 (1) Identify the victim of the offense;

27 (2) Itemize any economic loss suffered by the victim as a
28 result of the offense;

1 (3) Identify any physical injury suffered by the victim as
2 a result of the offense, along with its seriousness and
3 permanence;

4 (4) Describe any change in the victim's personal welfare or
5 familial relationships as a result of the offense;

6 (5) Identify any request for psychological services
7 initiated by the victim or the victim's family as a result of the
8 offense; and

9 (6) Contain any other information related to the impact of
10 the offense upon the victim that the court requires.

11 217.777. 1. The department shall administer a community
12 corrections program to encourage the establishment of local
13 sentencing alternatives for offenders to:

14 (1) Promote accountability of offenders to crime victims,
15 local communities and the state by providing increased
16 opportunities for offenders to make restitution to victims of
17 crime through financial reimbursement or community service;

18 (2) Ensure that victims of crime are included in meaningful
19 ways in Missouri's response to crime;

20 (3) Provide structured opportunities for local communities
21 to determine effective local sentencing options to assure that
22 individual community programs are specifically designed to meet
23 local needs;

24 (4) Reduce the cost of punishment, supervision and
25 treatment significantly below the annual per-offender cost of
26 confinement within the traditional prison system; [and]

27 (5) Utilize community supervision centers to effectively
28 respond to violations and prevent revocations; and

1 (6) Improve public confidence in the criminal justice
2 system by involving the public in the development of
3 community-based sentencing options for eligible offenders.

4 2. The program shall be designed to implement and operate
5 community-based restorative justice projects including, but not
6 limited to: preventive or diversionary programs, community-based
7 intensive probation and parole services, community-based
8 treatment centers, day reporting centers, and the operation of
9 facilities for the detention, confinement, care and treatment of
10 adults under the purview of this chapter.

11 3. The department shall promulgate rules and regulations
12 for operation of the program established pursuant to this section
13 as provided for in section 217.040 and chapter 536.

14 4. Any proposed program or strategy created pursuant to
15 this section shall be developed after identification of a need in
16 the community for such programs, through consultation with
17 representatives of the general public, judiciary, law enforcement
18 and defense and prosecution bar.

19 5. In communities where local volunteer community boards
20 are established at the request of the court, the following
21 guidelines apply:

22 (1) The department shall provide a program of training to
23 eligible volunteers and develop specific conditions of a
24 probation program and conditions of probation for offenders
25 referred to it by the court. Such conditions, as established by
26 the community boards and the department, may include compensation
27 and restitution to the community and the victim by fines, fees,
28 day fines, victim-offender mediation, participation in victim

1 impact panels, community service, or a combination of the
2 aforementioned conditions;

3 (2) The term of probation shall not exceed five years and
4 may be concluded by the court when conditions imposed are met to
5 the satisfaction of the local volunteer community board.

6 6. The department may staff programs created pursuant to
7 this section with employees of the department or may contract
8 with other public or private agencies for delivery of services as
9 otherwise provided by law.

10 217.810. 1. The governor is hereby authorized and directed
11 to enter into the interstate compact for the supervision of
12 parolees and probationers on behalf of the state of Missouri with
13 the commonwealth of Puerto Rico, the Virgin Islands, the District
14 of Columbia and any and all other states of the United States
15 legally joining therein and pursuant to the provisions of an act
16 of the Congress of the United States of America granting the
17 consent of Congress to the commonwealth of Puerto Rico, the
18 Virgin Islands, the District of Columbia and any two or more
19 states to enter into agreements or compacts for cooperative
20 effort and mutual assistance in the prevention of crime and for
21 other purposes, which compact shall have as its objective the
22 permitting of persons placed on probation or released on parole
23 to reside in any other state signatory to the compact assuming
24 the duties of visitation and supervision over such probationers
25 and parolees; permitting the extradition and transportation
26 without interference of prisoners, being retaken, through any and
27 all states signatory to the compact under such terms, conditions,
28 rules and regulations, and for such duration as in the opinion of

1 the governor of this state shall be necessary and proper and in a
2 form substantially as contained in subsection 2 of this section.
3 The chairman of the board shall administer the compact for the
4 state.

5 2. INTERSTATE COMPACT FOR THE
6 SUPERVISION OF PAROLEES AND PROBATIONERS

7 This compact shall be entered into by and among the
8 contracting states, signatories hereto, with the consent of the
9 Congress of the United States of America, granted by an act
10 entitled "An act granting the consent of Congress to any two or
11 more states to enter into agreements or compacts for cooperative
12 effort and mutual assistance in the prevention of crime and for
13 other purposes."

14 The contracting states solemnly agree:

15 (1) That it shall be competent for the duly constituted
16 judicial and administrative authorities of a state party to this
17 compact (herein called "sending state") to permit any person
18 convicted of an offense within such state and placed on probation
19 or released on parole to reside in any other state party to this
20 compact (herein called "receiving state"), while on probation or
21 parole, if

22 (a) Such a person is in fact a resident of or has his
23 family residing within the receiving state and can obtain
24 employment there;

25 (b) Though not a resident of the receiving state and not
26 having his family residing there, the receiving state consents to
27 such person being sent there.

28 Before granting such permission, opportunity shall be

1 granted to the receiving state to investigate the home and
2 prospective employment of such person.

3 A resident of the receiving state, within the meaning of
4 this section, is one who has been an actual inhabitant of such
5 state continuously for more than one year prior to his coming to
6 the sending state and has not resided within the sending state
7 more than six continuous months immediately preceding the
8 commission of the offense for which he has been convicted.

9 (2) The receiving state shall assume the duties of
10 visitation and supervision over probationers or parolees of any
11 sending state transferred under the compact and will apply the
12 same standards of supervision that prevail for its own
13 probationers and parolees.

14 (3) That duly accredited officers of a sending state may at
15 all times enter a receiving state and there apprehend and retake
16 any person on probation or parole. For that purpose no
17 formalities will be required other than establishing the
18 authority of the officer and the identity of the person to be
19 retaken. All legal requirements to obtain extradition of
20 fugitives from justice are hereby expressly waived on the part of
21 states party hereto, as to such persons. The decision of the
22 sending state to retake a person on probation or parole shall be
23 conclusive upon and not reviewable within the receiving state.
24 Provided, however, that if at the time when a state seeks to
25 retake a probationer or parolee there should be pending against
26 him within the receiving state any criminal charge, or he should
27 be suspected of having committed within such state a criminal
28 offense, he shall not be retaken without the consent of the

1 receiving state until discharged from prosecution or from
2 imprisonment for such offense.

3 (4) That the duly accredited officers of the sending state
4 will be permitted to transport prisoners being retaken through
5 any and all states parties to this compact, without interference.

6 (5) Each state may designate an officer who, acting jointly
7 with like officers of other contracting states shall promulgate
8 such rules and regulations as may be deemed necessary to more
9 effectively carry out the terms of this compact.

10 (6) That this compact shall become operative immediately
11 upon its execution by any state as between it and any other state
12 or states so executing. When executed it shall have the full
13 force and effect of law within such state, the form of execution
14 to be in accordance with the laws of the executing state.

15 (7) That this compact shall continue in force and remain
16 binding upon each executing state until renounced by it. The
17 duties and obligations hereunder of a renouncing state shall
18 continue as to parolees or probationers residing therein at the
19 time of withdrawal until retaken or finally discharged by the
20 sending state. Renunciation of this compact shall be by the same
21 authority which executed it, by sending six months' notice in
22 writing of its intention to withdraw from the compact to the
23 other states party hereto.

24 3. If any section, sentence, subdivision or clause within
25 subsection 2 of this section is for any reason held invalid or to
26 be unconstitutional, such decision shall not affect the validity
27 of the remaining provisions of that subsection or this section.

28 4. All necessary and proper expenses accruing as a result

1 of a person being returned to this state by order of a court or
2 the parole board [of probation and parole] shall be paid by the
3 state as provided in section 548.241 or 548.243.

4 221.105. 1. The governing body of any county and of any
5 city not within a county shall fix the amount to be expended for
6 the cost of incarceration of prisoners confined in jails or
7 medium security institutions. The per diem cost of incarceration
8 of these prisoners chargeable by the law to the state shall be
9 determined, subject to the review and approval of the department
10 of corrections.

11 2. When the final determination of any criminal prosecution
12 shall be such as to render the state liable for costs under
13 existing laws, it shall be the duty of the sheriff to certify to
14 the clerk of the circuit court or court of common pleas in which
15 the case was determined the total number of days any prisoner who
16 was a party in such case remained in the county jail. It shall
17 be the duty of the county commission to supply the cost per diem
18 for county prisons to the clerk of the circuit court on the first
19 day of each year, and thereafter whenever the amount may be
20 changed. It shall then be the duty of the clerk of the court in
21 which the case was determined to include in the bill of cost
22 against the state all fees which are properly chargeable to the
23 state. In any city not within a county it shall be the duty of
24 the superintendent of any facility boarding prisoners to certify
25 to the chief executive officer of such city not within a county
26 the total number of days any prisoner who was a party in such
27 case remained in such facility. It shall be the duty of the
28 superintendents of such facilities to supply the cost per diem to

1 the chief executive officer on the first day of each year, and
2 thereafter whenever the amount may be changed. It shall be the
3 duty of the chief executive officer to bill the state all fees
4 for boarding such prisoners which are properly chargeable to the
5 state. The chief executive may by notification to the department
6 of corrections delegate such responsibility to another duly sworn
7 official of such city not within a county. The clerk of the
8 court of any city not within a county shall not include such fees
9 in the bill of costs chargeable to the state. The department of
10 corrections shall revise its criminal cost manual in accordance
11 with this provision.

12 3. Except as provided under subsection 6 of section
13 217.718, the actual costs chargeable to the state, including
14 those incurred for a prisoner who is incarcerated in the county
15 jail because the prisoner's parole or probation has been revoked
16 or because the prisoner has, or allegedly has, violated any
17 condition of the prisoner's parole or probation, and such parole
18 or probation is a consequence of a violation of a state statute,
19 or the prisoner is a fugitive from the Missouri department of
20 corrections or otherwise held at the request of the Missouri
21 department of corrections regardless of whether or not a warrant
22 has been issued shall be the actual cost of incarceration not to
23 exceed:

24 (1) Until July 1, 1996, seventeen dollars per day per
25 prisoner;

26 (2) On and after July 1, 1996, twenty dollars per day per
27 prisoner;

28 (3) On and after July 1, 1997, up to thirty-seven dollars

1 and fifty cents per day per prisoner, subject to appropriations,
2 but not less than the amount appropriated in the previous fiscal
3 year.

4 4. The presiding judge of a judicial circuit may propose
5 expenses to be reimbursable by the state on behalf of one or more
6 of the counties in that circuit. Proposed reimbursable expenses
7 may include pretrial assessment and supervision strategies for
8 defendants who are ultimately eligible for state incarceration.
9 A county may not receive more than its share of the amount
10 appropriated in the previous fiscal year, inclusive of expenses
11 proposed by the presiding judge. Any county shall convey such
12 proposal to the department, and any such proposal presented by a
13 presiding judge shall include the documented agreement with the
14 proposal by the county governing body, prosecuting attorney, and
15 the officer of the county responsible for custody or
16 incarceration of prisoners of the county represented in the
17 proposal.

18 455.095. 1. For purposes of this section, the following
19 terms mean:

20 (1) "Electronic monitoring with victim notification", an
21 electronic monitoring system that has the capability to track and
22 monitor the movement of a person and immediately transmit the
23 monitored person's location to the protected person and the local
24 law enforcement agency with jurisdiction over the protected
25 premises through an appropriate means, including the telephone,
26 an electronic beeper, or paging device whenever the monitored
27 person enters the protected premises as specified in the order by
28 the court;

1 (2) "Informed consent", the protected person is given the
2 following information before consenting to participate in
3 electronic monitoring with victim notification:

4 (a) The protected person's right to refuse to participate
5 in such monitoring and the process for requesting the court to
6 terminate his or her participation after it has been ordered;

7 (b) The manner in which the electronic monitoring
8 technology functions and the risks and limitations of that
9 technology;

10 (c) The boundaries imposed on the person being monitored
11 during the electronic monitoring;

12 (d) The sanctions that the court may impose for violations
13 of the order issued by the court;

14 (e) The procedure that the protected person is to follow if
15 the monitored person violates an order or if the electronic
16 monitoring equipment fails;

17 (f) Identification of support services available to assist
18 the protected person in developing a safety plan to use if the
19 monitored person violates an order or if the electronic
20 monitoring equipment fails;

21 (g) Identification of community services available to
22 assist the protected person in obtaining shelter, counseling,
23 education, child care, legal representation, and other help in
24 addressing the consequences and effects of domestic violence; and

25 (h) The non-confidential nature of the protected person's
26 communications with the court concerning electronic monitoring
27 and the restrictions to be imposed upon the monitored person's
28 movements.

1 2. When a person is found guilty of violating the terms and
2 conditions of an ex parte or full order of protection under
3 sections 455.085 or 455.538, the court may, in addition to or in
4 lieu of any other disposition:

5 (1) Sentence the person to electronic monitoring with
6 victim notification; or

7 (2) Place the person on probation and, as a condition of
8 such probation, order electronic monitoring with victim
9 notification.

10 3. When a person charged with violating the terms and
11 conditions of an ex parte or full order of protection under
12 sections 455.085 or 455.538 is released from custody before trial
13 pursuant to section 544.455, the court may, as a condition of
14 release, order electronic monitoring of the person with victim
15 notification.

16 4. Electronic monitoring with victim notification shall be
17 ordered only with the protected person's informed consent. In
18 determining whether to place a person on electronic monitoring
19 with victim notification, the court may hold a hearing to
20 consider the likelihood that the person's participation in
21 electronic monitoring will deter the person from injuring the
22 protected person. The court shall consider the following
23 factors:

24 (1) The gravity and seriousness of harm that the person
25 inflicted on the protected person in the commission of any act of
26 domestic violence;

27 (2) The person's previous history of domestic violence;

28 (3) The person's history of other criminal acts, if any;

1 (4) Whether the person has access to a weapon;
2 (5) Whether the person has threatened suicide or homicide;
3 (6) Whether the person has a history of mental illness or
4 has been civilly committed; and
5 (7) Whether the person has a history of alcohol or
6 substance abuse.

7 5. Unless the person is determined to be indigent by the
8 court, a person ordered to be placed on electronic monitoring
9 with victim notification shall be ordered to pay the related
10 costs and expenses. If the court determines the person is
11 indigent, the person may be placed on electronic monitoring with
12 victim notification, and the clerk of the court in which the case
13 was determined shall notify the department of corrections that
14 the person was determined to be indigent and shall include in a
15 bill to the department the costs associated with the monitoring.
16 The department shall establish by rule a procedure to determine
17 the portion of costs each indigent person is able to pay based on
18 a person's income, number of dependents, and other factors as
19 determined by the department and shall seek reimbursement of such
20 costs.

21 6. An alert from an electronic monitoring device shall be
22 probable cause to arrest the monitored person for a violation of
23 an ex parte or full order of protection.

24 7. The department of corrections, department of public
25 safety, Missouri state highway patrol, the circuit courts, and
26 county and municipal law enforcement agencies shall share
27 information obtained via electronic monitoring conducted pursuant
28 to this section.

1 8. No supplier of a product, system, or service used for
2 electronic monitoring with victim notification shall be liable,
3 directly or indirectly, for damages arising from any injury or
4 death associated with the use of the product, system, or service
5 unless, and only to the extent that, such action is based on a
6 claim that the injury or death was proximately caused by a
7 manufacturing defect in the product or system.

8 9. Nothing in this section shall be construed as limiting a
9 court's ability to place a person on electronic monitoring
10 without victim notification under sections 544.455 or 557.011.

11 10. A person shall be found guilty of the offense of
12 tampering with electronic monitoring equipment under section
13 575.205 if he or she commits the actions prohibited under such
14 section with any equipment that a court orders the person to wear
15 under this section.

16 11. The department of corrections shall promulgate rules
17 and regulations for the implementation of subsection 5 of this
18 section. Any rule or portion of a rule, as that term is defined
19 in section 536.010 that is created under the authority delegated
20 in this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536, and, if
22 applicable, section 536.028. This section and chapter 536 are
23 nonseverable and if any of the powers vested with the general
24 assembly pursuant to chapter 536, to review, to delay the
25 effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2018,
28 shall be invalid and void.

1 12. The provisions of this section shall expire on August
2 28, 2024.

3 590.1040. 1. For purposes of this section, the following
4 terms mean:

5 (1) "Emergency services personnel", any employee or
6 volunteer of an emergency services provider who is engaged in
7 providing or supporting fire fighting, dispatching services, and
8 emergency medical services;

9 (2) "Emergency services provider", any public employer that
10 employs persons to provide fire fighting, dispatching services,
11 and emergency medical services;

12 (3) "Employee assistance program", a program established by
13 a law enforcement agency or emergency services provider to
14 provide professional counseling or support services to employees
15 of a law enforcement agency, emergency services provider, or a
16 professional mental health provider associated with a peer
17 support team;

18 (4) "Law enforcement agency", any public agency that
19 employs law enforcement personnel;

20 (5) "Law enforcement personnel", any person who by virtue
21 of office or public employment is vested by law with a duty to
22 maintain public order or to make arrests for violation of the
23 laws of the state of Missouri or ordinances of any municipality
24 thereof, or with a duty to maintain or assert custody or
25 supervision over persons accused or convicted of a crime, while
26 acting within the scope of his or her authority as an employee or
27 volunteer of a law enforcement agency;

28 (6) "Peer support counseling session", any session

1 conducted by a peer support specialist that is called or
2 requested in response to a critical incident or traumatic event
3 involving the personnel of the law enforcement agency or
4 emergency services provider;

5 (7) "Peer support specialist", a person who:

6 (a) Is designated by a law enforcement agency, emergency
7 services provider, employee assistance program, or peer support
8 team leader to lead, moderate, or assist in a peer support
9 counseling session;

10 (b) Is a member of a peer support team; and

11 (c) Has received training in counseling and providing
12 emotional and moral support to law enforcement officers or
13 emergency services personnel who have been involved in
14 emotionally traumatic incidents by reason of his or her
15 employment;

16 (8) "Peer support team", a group of peer support
17 specialists serving one or more law enforcement providers or
18 emergency services providers.

19 2. Any communication made by a participant or peer support
20 specialist in a peer support counseling session, and any oral or
21 written information conveyed in or as the result of a peer
22 support counseling session, are confidential and may not be
23 disclosed by any person participating in the peer support
24 counseling session.

25 3. Any communication relating to a peer support counseling
26 session that is made between peer support specialists, between
27 peer support specialists and the supervisors or staff of an
28 employee assistance program, or between the supervisors or staff

1 of an employee assistance program, is confidential and may not be
2 disclosed.

3 4. The provisions of this section shall apply only to peer
4 support counseling sessions conducted by a peer support
5 specialist.

6 5. The provisions of this section shall apply to all oral
7 communications, notes, records, and reports arising out of a peer
8 support counseling session. Any notes, records, or reports
9 arising out of a peer support counseling session shall not be
10 public records and shall not be subject to the provisions of
11 chapter 610. Nothing in this section limits the discovery or
12 introduction into evidence of knowledge acquired by any law
13 enforcement personnel or emergency services personnel from
14 observation made during the course of employment, or material or
15 information acquired during the course of employment, that is
16 otherwise subject to discovery or introduction into evidence.

17 6. The provisions of this section shall not apply to any:

18 (1) Threat of suicide or criminal act made by a participant
19 in a peer support counseling session, or any information conveyed
20 in a peer support counseling session relating to a threat of
21 suicide or criminal act;

22 (2) Information relating to abuse of spouses, children, or
23 the elderly, or other information that is required to be reported
24 by law;

25 (3) Admission of criminal conduct;

26 (4) Disclosure of testimony by a participant who received
27 peer support counseling services and expressly consented to such
28 disclosure; or

1 (5) Disclosure of testimony by the surviving spouse or
2 executor or administrator of the estate of a deceased participant
3 who received peer support counseling services and such surviving
4 spouse or executor or administrator expressly consented to such
5 disclosure.

6 7. The provisions of this section shall not prohibit any
7 communications between peer support specialists who conduct peer
8 support counseling sessions or any communications between peer
9 support specialists and the supervisors or staff of an employee
10 assistance program.

11 8. The provisions of this section shall not prohibit
12 communications regarding fitness of an employee for duty between
13 an employee assistance program and an employer.

14 595.010. 1. As used in sections 595.010 to 595.075, unless
15 the context requires otherwise, the following terms shall mean:

16 (1) "Child", a dependent, unmarried person who is under
17 eighteen years of age and includes a posthumous child, stepchild,
18 or an adopted child;

19 (2) "Claimant", a victim or a dependent, relative,
20 survivor, or member of the family, of a victim eligible for
21 compensation pursuant to sections 595.010 to 595.075;

22 (3) "Conservator", a person or corporation appointed by a
23 court to have the care and custody of the estate of a minor or a
24 disabled person, including a limited conservator;

25 (4) "Counseling", problem-solving and support concerning
26 emotional issues that result from criminal victimization licensed
27 pursuant to section 595.030. Counseling is a confidential service
28 provided either on an individual basis or in a group. Counseling

1 has as a primary purpose to enhance, protect and restore a
2 person's sense of well-being and social functioning after
3 victimization. Counseling does not include victim advocacy
4 services such as crisis telephone counseling, attendance at
5 medical procedures, law enforcement interviews or criminal
6 justice proceedings;

7 (5) "Crime", an act committed in this state which, [if
8 committed by a mentally competent, criminally responsible person
9 who had no legal exemption or defense, would constitute a crime;
10 provided that, such act] regardless of whether it is adjudicated,
11 involves the application of force or violence or the threat of
12 force or violence by the offender upon the victim but shall
13 include the crime of driving while intoxicated, vehicular
14 manslaughter and hit and run; and provided, further, that no act
15 involving the operation of a motor vehicle except driving while
16 intoxicated, vehicular manslaughter and hit and run which results
17 in injury to another shall constitute a crime for the purpose of
18 sections 595.010 to 595.075, unless such injury was intentionally
19 inflicted through the use of a motor vehicle. A crime shall also
20 include an act of terrorism, as defined in 18 U.S.C. Section
21 2331, which has been committed outside of the United States
22 against a resident of Missouri;

23 (6) "Crisis intervention counseling", helping to reduce
24 psychological trauma where victimization occurs;

25 (7) "Department", the department of public safety;

26 (8) "Dependent", mother, father, spouse, spouse's mother,
27 spouse's father, child, grandchild, adopted child, illegitimate
28 child, niece or nephew, who is wholly or partially dependent for

1 support upon, and living with, but shall include children
2 entitled to child support but not living with, the victim at the
3 time of his injury or death due to a crime alleged in a claim
4 pursuant to sections 595.010 to 595.075;

5 (9) "Direct service", providing physical services to a
6 victim of crime including, but not limited to, transportation,
7 funeral arrangements, child care, emergency food, clothing,
8 shelter, notification and information;

9 (10) "Director", the director of public safety of this
10 state or a person designated by him for the purposes of sections
11 595.010 to 595.075;

12 (11) "Disabled person", one who is unable by reason of any
13 physical or mental condition to receive and evaluate information
14 or to communicate decisions to such an extent that the person
15 lacks ability to manage his financial resources, including a
16 partially disabled person who lacks the ability, in part, to
17 manage his financial resources;

18 (12) "Emergency service", those services provided [within
19 thirty days] to alleviate the immediate effects of the criminal
20 act or offense, and may include cash grants of not more than one
21 hundred dollars;

22 (13) "Earnings", net income or net wages;

23 (14) "Family", the spouse, parent, grandparent, stepmother,
24 stepfather, child, grandchild, brother, sister, half brother,
25 half sister, adopted children of parent, or spouse's parents;

26 (15) "Funeral expenses", the expenses of the funeral,
27 burial, cremation or other chosen method of interment, including
28 plot or tomb and other necessary incidents to the disposition of

1 the remains;

2 (16) "Gainful employment", engaging on a regular and
3 continuous basis, up to the date of the incident upon which the
4 claim is based, in a lawful activity from which a person derives
5 a livelihood;

6 (17) "Guardian", one appointed by a court to have the care
7 and custody of the person of a minor or of an incapacitated
8 person, including a limited guardian;

9 (18) "Hit and run", the crime of leaving the scene of a
10 motor vehicle accident as defined in section 577.060;

11 (19) "Incapacitated person", one who is unable by reason of
12 any physical or mental condition to receive and evaluate
13 information or to communicate decisions to such an extent that he
14 lacks capacity to meet essential requirements for food, clothing,
15 shelter, safety or other care such that serious physical injury,
16 illness, or disease is likely to occur, including a partially
17 incapacitated person who lacks the capacity to meet, in part,
18 such essential requirements;

19 (20) "Injured victim", a person:

20 (a) Killed or receiving a personal physical injury in this
21 state as a result of another person's commission of or attempt to
22 commit any crime;

23 (b) Killed or receiving a personal physical injury in this
24 state while in a good faith attempt to assist a person against
25 whom a crime is being perpetrated or attempted;

26 (c) Killed or receiving a personal physical injury in this
27 state while assisting a law enforcement officer in the
28 apprehension of a person who the officer has reason to believe

1 has perpetrated or attempted a crime;

2 (21) "Law enforcement official", a sheriff and his regular
3 deputies, municipal police officer or member of the Missouri
4 state highway patrol and such other persons as may be designated
5 by law as peace officers;

6 (22) "Offender", a person who commits a crime;

7 (23) "Personal [physical] injury", [actual bodily harm only
8 with respect to the victim. Personal physical injury may include
9 mental or nervous shock] physical, emotional, or mental harm or
10 trauma resulting from the [specific incident] crime upon which
11 the claim is based;

12 (24) "Private agency", a not-for-profit corporation, in
13 good standing in this state, which provides services to victims
14 of crime and their dependents;

15 (25) "Public agency", a part of any local or state
16 government organization which provides services to victims of
17 crime;

18 (26) "Relative", the spouse of the victim or a person
19 related to the victim within the third degree of consanguinity or
20 affinity as calculated according to civil law;

21 (27) "Survivor", the spouse, parent, legal guardian,
22 grandparent, sibling or child of the deceased victim of the
23 victim's household at the time of the crime;

24 (28) "Victim", a person who suffers personal [physical]
25 injury or death as a direct result of a crime, as defined in
26 subdivision (5) of this subsection;

27 (29) "Victim advocacy", assisting the victim of a crime and
28 his dependents to acquire services from existing community

1 resources.

2 2. As used in [sections 565.024 and 565.060 and] sections
3 595.010 to 595.075, the term "alcohol-related traffic offense"
4 means those offenses defined by sections 577.001, 577.010, and
5 577.012, and any county or municipal ordinance which prohibits
6 operation of a motor vehicle while under the influence of
7 alcohol.

8 595.015. 1. The department of public safety shall,
9 pursuant to the provisions of sections 595.010 to 595.075, have
10 jurisdiction to determine and award compensation to, or on behalf
11 of, victims of crimes. In making such determinations and awards,
12 the department shall ensure the compensation sought is reasonable
13 and consistent with the limitations described in sections 595.010
14 to 595.075. Additionally, if compensation being sought includes
15 medical expenses, the department shall further ensure that such
16 expenses are medically necessary. The department of public
17 safety may pay directly to the provider of the services
18 compensation for medical or funeral expenses, or expenses for
19 other services as described in section 595.030, incurred by the
20 claimant. The department is not required to provide compensation
21 in any case, nor is it required to award the full amount claimed.
22 The department shall make its award of compensation based upon
23 independent verification obtained during its investigation.

24 2. Such claims shall be made by filing an application for
25 compensation with the department of public safety. The
26 application form shall be furnished by the department [and the
27 signature shall be notarized]. The application shall include:

28 (1) The name and address of the victim;

1 (2) If the claimant is not the victim, the name and address
2 of the claimant and relationship to the victim, the names and
3 addresses of the victim's dependents, if any, and the extent to
4 which each is so dependent;

5 (3) The date and nature of the crime or attempted crime on
6 which the application for compensation is based;

7 (4) The date and place where, and the law enforcement
8 officials to whom, notification of the crime was given;

9 (5) The nature and extent of the injuries sustained by the
10 victim, the names and addresses of those giving medical and
11 hospital treatment to the victim and whether death resulted;

12 (6) The loss to the claimant or a dependent resulting from
13 the injury or death;

14 (7) The amount of benefits, payments or awards, if any,
15 payable from any source which the claimant or dependent has
16 received or for which the claimant or dependent is eligible as a
17 result of the injury or death;

18 (8) Releases authorizing the surrender to the department of
19 reports, documents and other information relating to the matters
20 specified under this section; and

21 (9) Such other information as the department determines is
22 necessary.

23 3. In addition to the application, the department may
24 require that the claimant submit materials substantiating the
25 facts stated in the application.

26 4. [If the department finds that an application does not
27 contain the required information or that the facts stated therein
28 have not been substantiated, it shall notify the claimant in

1 writing of the specific additional items of information or
2 materials required and that the claimant has thirty days from the
3 date of mailing in which to furnish those items to the
4 department. Unless a claimant requests and is granted an
5 extension of time by the department, the department shall reject
6 with prejudice the claim of the claimant for failure to file the
7 additional information or materials within the specified time.

8 5. The claimant may file an amended application or
9 additional substantiating materials to correct inadvertent errors
10 or omissions at any time before the department has completed its
11 consideration of the original application.

12 6.] The claimant, victim or dependent shall cooperate with
13 law enforcement officials in the apprehension [and prosecution]
14 of the offender in order to be eligible, or the department has
15 found that the failure to cooperate was for good cause.

16 [7.] 5. Any state or local agency, including a prosecuting
17 attorney or law enforcement agency, shall make available without
18 cost to the fund all reports, files and other appropriate
19 information which the department requests in order to make a
20 determination that a claimant is eligible for an award pursuant
21 to sections 595.010 to 595.075.

22 595.020. 1. Except as hereinafter provided, the following
23 persons shall be eligible for compensation pursuant to sections
24 595.010 to 595.075:

25 (1) A victim of a crime;

26 (2) In the case of a sexual assault victim[:
27 (a)] a relative of the victim requiring counseling in order

28 to better assist the victim in his recovery; and

1 (3) In the case of the death of the victim as a direct
2 result of the crime:

3 (a) A dependent of the victim;

4 (b) Any member of the family who legally assumes the
5 obligation, or who pays the medical or burial expenses incurred
6 as a direct result thereof; and

7 (c) A survivor of the victim requiring counseling as a
8 direct result of the death of the victim.

9 2. An offender or an accomplice of an offender shall in no
10 case be eligible to receive compensation with respect to a crime
11 committed by the offender. No victim or dependent shall be
12 denied compensation solely because he is a relative of the
13 offender or was living with the offender as a family or household
14 member at the time of the injury or death. However, the
15 department may award compensation to a victim or dependent who is
16 a relative, family or household member of the offender only if
17 the department can reasonably determine the offender will receive
18 no substantial economic benefit or unjust enrichment from the
19 compensation.

20 3. No compensation of any kind may be made to a victim or
21 intervenor injured while confined in any federal, state, county,
22 or municipal jail, prison or other correctional facility,
23 including house arrest or electronic monitoring.

24 4. [No compensation of any kind may be made to a victim who
25 has been finally adjudicated and found guilty, in a criminal
26 prosecution under the laws of this state, of two felonies within
27 the past ten years, of which one or both involves illegal drugs
28 or violence. The department may waive this restriction if it

determines that the interest of justice would be served otherwise.

5.] In the case of a claimant [who is not otherwise ineligible pursuant to subsection 4 of this section,] who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application:

(1) The department shall suspend all proceedings and payments until such time as the claimant is released from incarceration;

(2) The department shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

(3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery.

[6. Victims of crime who are not residents of the state of Missouri may be compensated only when federal funds are available for that purpose. Compensation for nonresident victims shall terminate when federal funds for that purpose are no longer available.

7.] 5. A Missouri resident who suffers personal [physical] injury or, in the case of death, a dependent of the victim or any

1 member of the family who legally assumes the obligation, or who
2 pays the medical or burial expenses incurred as a direct result
3 thereof, in another state, possession or territory of the United
4 States may make application for compensation in Missouri if:

5 (1) The victim of the crime would be compensated if the
6 crime had occurred in the state of Missouri;

7 (2) The place that the crime occurred is a state,
8 possession or territory of the United States, or location outside
9 of the United States that is covered and defined in 18 U.S.C.
10 Section 2331, that does not have a crime victims' compensation
11 program for which the victim is eligible and which provides at
12 least the same compensation that the victim would have received
13 if he had been injured in Missouri.

14 595.025. 1. A claim for compensation may be filed by a
15 person eligible for compensation or, if the person is an
16 incapacitated or disabled person, or a minor, by the person's
17 spouse, parent, conservator, or guardian.

18 2. A claim shall be filed not later than two years after
19 the occurrence of the crime or the discovery of the crime upon
20 which it is based.

21 3. Each claim shall be [filed in person or by mail]
22 submitted to the department. The department of public safety
23 shall investigate such claim, prior to the opening of formal
24 proceedings. The claimant shall be notified of the date and time
25 of any hearing on such claim. In determining the amount of
26 compensation for which a claimant is eligible, the department
27 shall consider the facts stated on the application filed pursuant
28 to section 595.015, and:

1 (1) Need not consider whether or not the alleged assailant
2 has been apprehended or brought to trial or the result of any
3 criminal proceedings against that person; however, if any person
4 is convicted of the crime which is the basis for an application
5 for compensation, proof of the conviction shall be conclusive
6 evidence that the crime was committed;

7 (2) Shall determine the amount of the loss to the claimant,
8 or the victim's survivors or dependents;

9 (3) Shall determine the degree or extent to which the
10 victim's acts or conduct provoked, incited, or contributed to the
11 injuries or death of the victim.

12 4. The claimant may present evidence and testimony on his
13 own behalf or may retain counsel. The department of public
14 safety may, as part of any award entered under sections 595.010
15 to 595.075, determine and allow reasonable attorney's fees, which
16 shall not exceed fifteen percent of the amount awarded as
17 compensation under sections 595.010 to 595.075, which fee shall
18 be paid out of, but not in addition to, the amount of
19 compensation, to the attorney representing the claimant. No
20 attorney for the claimant shall ask for, contract for or receive
21 any larger sum than the amount so allowed.

22 5. The person filing a claim shall, prior to any hearing
23 thereon, submit reports, if available, from all hospitals,
24 physicians [or], surgeons, or other health care providers who
25 treated or examined the victim for the injury for which
26 compensation is sought. A hospital, physician, surgeon, or other
27 health care provider may submit reports on behalf of the person
28 filing a claim. If, in the opinion of the department of public

1 safety, an examination of the injured victim and a report
2 thereon, or a report on the cause of death of the victim, would
3 be of material aid, the department of public safety may appoint a
4 duly qualified, impartial physician to make such examination and
5 report.

6 6. Each and every payment shall be exempt from attachment,
7 garnishment or any other remedy available to creditors for the
8 collection of a debt.

9 7. Payments of compensation shall not be made directly to
10 any person legally incompetent to receive them but shall be made
11 to the parent, guardian or conservator for the benefit of such
12 minor, disabled or incapacitated person.

13 595.030. 1. [No compensation shall be paid unless the
14 claimant has incurred an out-of-pocket loss of at least fifty
15 dollars or has lost two continuous weeks of earnings or support
16 from gainful employment. "Out-of-pocket loss" shall mean
17 unreimbursed or unreimbursable expenses or indebtedness
18 reasonably incurred:

19 (1) For medical care or other services, including
20 psychiatric, psychological or counseling expenses, necessary as a
21 result of the crime upon which the claim is based, except that
22 the amount paid for psychiatric, psychological or counseling
23 expenses per eligible claim shall not exceed two thousand five
24 hundred dollars; or

25 (2) As a result of personal property being seized in an
26 investigation by law enforcement.

27
28 Compensation paid for an out-of-pocket loss under this

1 subdivision shall be in an amount equal to the loss sustained,
2 but shall not exceed two hundred fifty dollars.

3 2.] No compensation shall be paid unless the department of
4 public safety finds that a crime was committed, that such crime
5 directly resulted in personal [physical] injury to, or the death
6 of, the victim, and that police, court, or other official records
7 show that such crime was [promptly] reported to the proper
8 authorities. [In no case may compensation be paid if the police
9 records show that such report was made more than forty-eight
10 hours after the occurrence of such crime, unless the department
11 of public safety finds that the report to the police was delayed
12 for good cause.] In lieu of other records the claimant may
13 provide a sworn statement by the applicant under paragraph (c) of
14 subdivision (2) of section 589.663 that the applicant has good
15 reason to believe that he or she is a victim of domestic
16 violence, rape, sexual assault, human trafficking, or stalking,
17 and fears further violent acts from his or her assailant. If the
18 victim is under eighteen years of age such report may be made by
19 the victim's parent, guardian or custodian; by a physician, a
20 nurse, or hospital emergency room personnel; by the children's
21 division personnel; or by any other member of the victim's
22 family. In the case of a sexual offense, filing a report of the
23 offense to the proper authorities may include, but not be limited
24 to, the filing of the report of the forensic examination by the
25 appropriate medical provider, as defined in section 595.220, with
26 the prosecuting attorney of the county in which the alleged
27 incident occurred, receiving a forensic examination, or securing
28 an order of protection.

1 **[3.] 2.** No compensation shall be paid for medical care if
2 the service provider is not a medical provider as that term is
3 defined in section 595.027, and the individual providing the
4 medical care is not licensed by the state of Missouri or the
5 state in which the medical care is provided.

6 **[4.] 3.** No compensation shall be paid for psychiatric
7 treatment or other counseling services, including psychotherapy,
8 unless the service provider is a:

9 (1) Physician licensed pursuant to chapter 334 or licensed
10 to practice medicine in the state in which the service is
11 provided;

12 (2) Psychologist licensed pursuant to chapter 337 or
13 licensed to practice psychology in the state in which the service
14 is provided;

15 (3) Clinical social worker licensed pursuant to chapter
16 337;

17 (4) Professional counselor licensed pursuant to chapter
18 337; or

19 (5) Board-certified psychiatric-mental health clinical
20 nurse specialist or board certified psychiatric-mental health
21 nurse practitioner licensed under chapter 335 or licensed in the
22 state in which the service is provided.

23 **[5.] 4.** Any compensation paid pursuant to sections 595.010
24 to 595.075 for death or personal injury shall be in an amount not
25 exceeding out-of-pocket loss, together with loss of earnings or
26 support from gainful employment, not to exceed four hundred
27 dollars per week, resulting from such injury or death. In the
28 event of death of the victim, an award may be made for reasonable

1 and necessary expenses actually incurred for preparation and
2 burial not to exceed five thousand dollars.

3 [6.] 5. Any compensation for loss of earnings or support
4 from gainful employment shall be in an amount equal to the actual
5 loss sustained not to exceed four hundred dollars per week;
6 provided, however, that no award pursuant to sections 595.010 to
7 595.075 shall exceed twenty-five thousand dollars. If two or
8 more persons are entitled to compensation as a result of the
9 death of a person which is the direct result of a crime or in the
10 case of a sexual assault, the compensation shall be apportioned
11 by the department of public safety among the claimants in
12 proportion to their loss.

13 [7.] 6. The method and timing of the payment of any
14 compensation pursuant to sections 595.010 to 595.075 shall be
15 determined by the department.

16 [8.] 7. The department shall have the authority to
17 negotiate the costs of medical care or other services directly
18 with the providers of the care or services on behalf of any
19 victim receiving compensation pursuant to sections 595.010 to
20 595.075.

21 595.035. 1. For the purpose of determining the amount of
22 compensation payable pursuant to sections 595.010 to 595.075, the
23 department of public safety shall, insofar as practicable,
24 formulate standards for the uniform application of sections
25 595.010 to 595.075, taking into consideration the provisions of
26 sections 595.010 to 595.075, the rates and amounts of
27 compensation payable for injuries and death pursuant to other
28 laws of this state and of the United States, excluding pain and

1 suffering, and the availability of funds appropriated for the
2 purpose of sections 595.010 to 595.075. All decisions of the
3 department of public safety on claims pursuant to sections
4 595.010 to 595.075 shall be in writing, setting forth the name of
5 the claimant, the amount of compensation and the reasons for the
6 decision. [The department of public safety shall immediately
7 notify the claimant in writing of the decision and shall forward
8 to the state treasurer a certified copy of the decision and a
9 warrant for the amount of the claim. The state treasurer, upon
10 certification by the commissioner of administration, shall, if
11 there are sufficient funds in the crime victims' compensation
12 fund, pay to or on behalf of the claimant the amount determined
13 by the department.]

14 2. The crime victims' compensation fund is not a state
15 health program and is not intended to be used as a primary payor
16 to other health care assistance programs, but is a public,
17 quasi-charitable fund whose fundamental purpose is to assist
18 victims of violent crimes through a period of financial hardship,
19 as a payor of last resort. Accordingly, any compensation paid
20 pursuant to sections 595.010 to 595.075 shall be reduced by the
21 amount of any payments, benefits or awards received or to be
22 received as a result of the injury or death:

23 (1) From or on behalf of the offender;

24 (2) Under private or public insurance programs, including
25 [champus] Tricare, Medicare, Medicaid and other state or federal
26 programs, but not including any life insurance proceeds; or

27 (3) From any other public or private funds, including an
28 award payable pursuant to the workers' compensation laws of this

1 state.

2 3. In determining the amount of compensation payable, the
3 department of public safety shall determine whether, because of
4 the victim's consent, provocation, incitement or negligence, the
5 victim contributed to the infliction of the victim's injury or
6 death, and shall reduce the amount of the compensation or deny
7 the claim altogether, in accordance with such determination;
8 provided, however, that the department of public safety may
9 disregard the responsibility of the victim for his or her own
10 injury where such responsibility was attributable to efforts by
11 the victim to aid a victim, or to prevent a crime or an attempted
12 crime from occurring in his or her presence, or to apprehend a
13 person who had committed a crime in his or her presence or had in
14 fact committed a felony.

15 4. In determining the amount of compensation payable
16 pursuant to sections 595.010 to 595.075, monthly Social Security
17 disability or retirement benefits received by the victim shall
18 not be considered by the department as a factor for reduction of
19 benefits.

20 [5. The department shall not be liable for payment of
21 compensation for any out-of-pocket expenses incurred more than
22 three years following the date of the occurrence of the crime
23 upon which the claim is based.]

24 595.055. [1. No public or private agency shall provide
25 service to a victim of crime pursuant to any contract made under
26 section 595.050 unless the incident is reported to an appropriate
27 law enforcement office within forty-eight hours after its
28 occurrence or within forty-eight hours after the victim of crime,

1 a dependent, or a member of the family of the victim reasonably
2 could be expected to make such a report.

3 2.] No service may be provided under section 595.050 if the
4 victim of crime:

5 (1) Was the perpetrator or a principal or accessory
6 involved in the commission of the crime for which he otherwise
7 would have been eligible for assistance under the provisions of
8 section 595.050; or

9 (2) Is injured as a result of the operation of a motor
10 vehicle, boat or airplane unless the same was used as a weapon in
11 a deliberate attempt to inflict personal injury upon any person
12 or unless the victim is injured as a result of the crime of
13 driving while intoxicated or vehicular manslaughter.

14 595.220. 1. The department of public safety shall make
15 payments to appropriate medical providers, out of appropriations
16 made for that purpose, to cover the reasonable charges of the
17 forensic examination of persons who may be a victim of a sexual
18 offense if:

19 (1) The victim or the victim's guardian consents in writing
20 to the examination; and

21 (2) The report of the examination is made on a form
22 approved by the attorney general with the advice of the
23 department of public safety.

24
25 The department shall establish maximum reimbursement rates for
26 charges submitted under this section, which shall reflect the
27 reasonable cost of providing the forensic exam.

28 2. A minor may consent to examination under this section.

1 Such consent is not subject to disaffirmance because of minority,
2 and consent of parent or guardian of the minor is not required
3 for such examination. The appropriate medical provider making
4 the examination shall give written notice to the parent or
5 guardian of a minor that such an examination has taken place.

6 3. The ~~attorney general~~ department of public safety, with
7 the advice of the ~~department of public safety~~ attorney general,
8 shall develop the forms and procedures for gathering,
9 transmitting, and storing evidence during and after the forensic
10 examination under the provisions of this section. The department
11 of health and senior services shall develop a checklist,
12 protocols, and procedures for appropriate medical providers to
13 refer to while providing medical treatment to victims of a sexual
14 offense, including those specific to victims who are minors. The
15 procedures for transmitting and storing examination evidence
16 shall include the following requirements:

17 (1) An appropriate medical provider shall provide written
18 or electronic notification to the appropriate law enforcement
19 agency when the provider has a reported or anonymous evidentiary
20 collection kit;

21 (2) Within fourteen days of notification from the
22 appropriate medical provider, the law enforcement agency shall
23 take possession of the evidentiary collection kit;

24 (3) Within fourteen days of taking possession, the law
25 enforcement agency shall provide the evidentiary collection kit
26 to a laboratory;

27 (4) A law enforcement agency shall secure an evidentiary
28 collection kit for a period of thirty years if the offense has

1 not been adjudicated.

2 4. Evidentiary collection kits shall be developed and made
3 available, subject to appropriation, to appropriate medical
4 providers by the highway patrol or its designees and eligible
5 crime laboratories. Such kits shall be distributed with the
6 forms and procedures for gathering evidence during forensic
7 examinations of victims of a sexual offense to appropriate
8 medical providers upon request of the provider, in the amount
9 requested, and at no charge to the medical provider. All
10 appropriate medical providers shall, with the written consent of
11 the victim, perform a forensic examination using the evidentiary
12 collection kit, or other collection procedures developed for
13 victims who are minors, and forms and procedures for gathering
14 evidence following the checklist for any person presenting as a
15 victim of a sexual offense.

16 5. In reviewing claims submitted under this section, the
17 department shall first determine if the claim was submitted
18 within ninety days of the examination. If the claim is submitted
19 within ninety days, the department shall, at a minimum, use the
20 following criteria in reviewing the claim: examination charges
21 submitted shall be itemized and fall within the definition of
22 forensic examination as defined in subdivision (3) of subsection
23 8 of this section.

24 6. All appropriate medical provider charges for eligible
25 forensic examinations shall be billed to and paid by the
26 department of public safety. No appropriate medical provider
27 conducting forensic examinations and providing medical treatment
28 to victims of sexual offenses shall charge the victim for the

1 forensic examination. For appropriate medical provider charges
2 related to the medical treatment of victims of sexual offenses,
3 if the victim is an eligible claimant under the crime victims'
4 compensation fund, the victim shall seek compensation under
5 sections 595.010 to 595.075.

6 7. The department of public safety shall establish rules
7 regarding the reimbursement of the costs of forensic examinations
8 for children under fourteen years of age, including establishing
9 conditions and definitions for emergency and nonemergency
10 forensic examinations and may by rule establish additional
11 qualifications for appropriate medical providers performing
12 nonemergency forensic examinations for children under fourteen
13 years of age. The department shall provide reimbursement
14 regardless of whether or not the findings indicate that the child
15 was abused.

16 8. For purposes of this section, the following terms mean:

17 (1) "Anonymous evidentiary collection kit", an evidentiary
18 collection kit collected from a victim who has consented to the
19 collection of the evidentiary collection kit, and to participate
20 in the criminal justice process, but who wishes to remain
21 anonymous;

22 (2) "Appropriate medical provider":

23 (a) Any licensed nurse, physician, or physician assistant,
24 and any institution employing licensed nurses, physicians, or
25 physician assistants, provided that such licensed professionals
26 are the only persons at such institution to perform tasks under
27 the provisions of this section; or

28 (b) For the purposes of any nonemergency forensic

1 examination of a child under fourteen years of age, the
2 department of public safety may establish additional
3 qualifications for any provider listed in paragraph (a) of this
4 subdivision under rules authorized under subsection 7 of this
5 section;

6 **[(2)]** (3) "Consent", the written or electronically
7 documented authorization by the victim to allow the evidentiary
8 collection kit to be analyzed;

9 (4) "Emergency forensic examination", an examination of a
10 person under fourteen years of age that occurs within five days
11 of the alleged sexual offense. The department of public safety
12 may further define the term emergency forensic examination by
13 rule;

14 **[(3)]** (5) "Evidentiary collection kit", a kit used during a
15 forensic examination that includes materials necessary for
16 appropriate medical providers to gather evidence in accordance
17 with the forms and procedures developed by the **[attorney general]**
18 department of public safety for forensic examinations;

19 **[(4)]** (6) "Forensic examination", an examination performed
20 by an appropriate medical provider on a victim of an alleged
21 sexual offense to gather evidence for the evidentiary collection
22 kit or using other collection procedures developed for victims
23 who are minors;

24 **[(5)]** (7) "Medical treatment", the treatment of all
25 injuries and health concerns resulting directly from a patient's
26 sexual assault or victimization;

27 **[(6)]** (8) "Nonemergency forensic examination", an
28 examination of a person under fourteen years of age that occurs

1 more than five days after the alleged sexual offense. The
2 department of public safety may further define the term
3 nonemergency forensic examination by rule;

4 (9) "Reported evidentiary collection kit", an evidentiary
5 collection kit collected from a victim who has consented to the
6 collection of the evidentiary collection kit and has consented to
7 participate in the criminal justice process;

8 (10) "Unreported evidentiary collection kit", an
9 evidentiary collection kit collected from a victim who has
10 consented to the collection of the evidentiary collection kit but
11 has not consented to participate in the criminal justice process.

12 9. The department shall have authority to promulgate rules
13 and regulations necessary to implement the provisions of this
14 section. Any rule or portion of a rule, as that term is defined
15 in section 536.010, that is created under the authority delegated
16 in this section shall become effective only if it complies with
17 and is subject to all of the provisions of chapter 536 and, if
18 applicable, section 536.028. This section and chapter 536 are
19 nonseverable and if any of the powers vested with the general
20 assembly pursuant to chapter 536 to review, to delay the
21 effective date, or to disapprove and annul a rule are
22 subsequently held unconstitutional, then the grant of rulemaking
23 authority and any rule proposed or adopted after August 28, 2009,
24 shall be invalid and void.

25 610.210. Notwithstanding any other provisions of law to the
26 contrary, information in law enforcement agency records that
27 would enable the provision of health care to a person in contact
28 with law enforcement may be released for the purpose of health

1 care coordination to any health care provider, as defined in the
2 Health Insurance Portability and Accountability Act of 1996 as
3 amended, that is providing or may provide services to the person.

4 650.035. 1. There is hereby created the "Missouri Law
5 Enforcement Assistance Program" within the department of public
6 safety.

7 2. The purpose of this program is to provide state
8 financial and technical assistance to create or improve local law
9 enforcement pilot programs that may include:

10 (1) Reimbursement for overtime required to enhance
11 specialized, non-routine training opportunities;

12 (2) Analytical capacity for targeting enforcement efforts;
13 and

14 (3) Community policing efforts derived from research-based
15 models.

16 3. Distribution of state funds or technical assistance
17 shall be by contractual arrangement between the department and
18 each recipient law enforcement agency. Terms of the contract
19 shall be negotiable each year. The state auditor shall
20 periodically audit all law enforcement agencies receiving state
21 funds.

22 4. Nothing in this section shall prohibit any law
23 enforcement agency from receiving federal or local funds should
24 such funds become available.

25 5. All law enforcement agencies, municipal and county,
26 shall be eligible to receive funding hereunder, according to
27 standards adopted by the department of public safety, unless
28 otherwise restricted by statute.

1 6. No state funds shall be expended unless appropriated by
2 the general assembly for this purpose.

3 [589.303. The "Missouri Crime Prevention
4 Information Center" is hereby established within the
5 department of public safety. The center, subject to
6 appropriation and within the limits of available funds
7 from private sources, gifts, donations, or moneys
8 generated by center-sponsored activities, may:

9 (1) Develop, plan and implement a comprehensive,
10 long-range, integrated program which will mobilize all
11 Missouri residents, including the youth of this state,
12 in a year-round preventive effort to reduce crime,
13 violence, drug abuse and delinquency;

14 (2) Provide a mechanism to support, unify,
15 promote, implement, and evaluate crime prevention
16 efforts;

17 (3) Act as an information clearinghouse for crime
18 prevention efforts;

19 (4) Provide a means by which law enforcement and
20 prevention-related agencies, civilian personnel, and
21 the education community may acquire the resource
22 materials, technical assistance, knowledge, and skills
23 necessary to develop, implement and evaluate crime
24 prevention and intervention programs;

25 (5) Provide ongoing, programmatic support to
26 crime prevention efforts of law enforcement and local
27 crime prevention organizations, enabling them to
28 develop programs within their jurisdiction or
29 community;

30 (6) Assist law enforcement agencies and local
31 crime prevention organizations to increase the
32 awareness of communities, businesses, and governments
33 regarding the need for crime prevention while offering
34 information on current and future programming in their
35 communities and in this state;

36 (7) Increase the availability of resource
37 materials which may be utilized by local crime
38 prevention programs, analyze data, evaluate needs, and
39 develop specific crime prevention strategies;

40 (8) Act as a liaison between local, state, and
41 national agencies concerning crime prevention issues;

42 (9) Coordinate efforts with any statewide
43 associations or organizations which are also concerned
44 with reducing crime, violence, drug abuse, and
45 delinquency and receive from such associations or
46 organizations advice and direction for the operation of
47 the center and related activities;

48 (10) Operate as a resource for local governments
49 and, upon the request of any local agency, may:

1 (a) Provide technical assistance in the form of
2 resource development and distribution, consultation,
3 community resource identification, utilization,
4 training, and distribution, consultation, community
5 resource identification, utilization, training, and
6 promotion of crime prevention programs or activities;

7 (b) Provide assistance in increasing the
8 knowledge of community, business, and governmental
9 leaders concerning the theory and operation of crime
10 prevention and how their involvement will assist in
11 efforts to prevent crime; and

12 (c) Provide resource materials to, and assistance
13 in developing the skills of, law enforcement personnel,
14 which materials and skills are necessary to create
15 successful crime prevention strategies which meet the
16 needs of specific regions and communities throughout
17 the state.】