

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 966
99TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 8, 2018, with recommendation that the Senate Committee Substitute do pass.

5990S.03C

ADRIANE D. CROUSE, Secretary.

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-two 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:

Section A. 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217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 43.507, 217.015, 217.021, 217.030, 217.075, 217.361, 217.655, 217.665, 217.670,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, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, 610.250, and 650.035, to read as follows:

43.507. All criminal history information, in the possession or control of the central repository, except criminal intelligence and investigative information, may be made available to qualified persons and organizations for research, evaluative and statistical purposes under written agreements reasonably designed to ensure the security and confidentiality of the information and the protection of the privacy interests of the individuals who are subjects of the criminal history. [Prior to such information being made available, information that

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

8 uniquely identifies the individual shall be deleted. Organizations receiving such
9 criminal history information shall not reestablish the identity of the individual
10 and associate it with the criminal history information being provided.]

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

3 2. The department shall be composed of the **parole board and the**
4 following divisions:

- 5 (1) The division of human services;
- 6 (2) The division of adult institutions;
- 7 (3) The [board] **division** of probation and parole; and
- 8 (4) The division of offender rehabilitative services.

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

11 4. The department shall operate a women offender program to be
12 supervised by a director of women's programs. The purpose of the women
13 offender program shall be to ensure that female offenders are provided a
14 continuum of **gender-responsive and trauma-informed** supervision strategies
15 and program services reflecting best practices for female probationers, prisoners
16 and parolees in areas including but not limited to classification, diagnostic
17 processes, facilities, medical and mental health care, child custody and visitation.

18 5. There shall be an advisory committee under the direction of the director
19 of women's programs. The members of the committee shall include the director
20 of the office on women's health, the director of the department of mental health
21 or a designee and four others appointed by the director of the department of
22 corrections. The committee shall address the needs of women in the criminal
23 justice system as they are affected by the changes in their community, family
24 concerns, the judicial system and the organization and available resources of the
25 department of corrections.

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

5 2. The department shall, in collaboration with the department of
6 mental health:

- 7 (1) Establish a referral and evaluation process for access to the**
8 program;

9 **(2) Establish eligibility criteria that include consideration of**
10 **recidivism risk and behavioral health condition severity;**

11 **(3) Establish discharge criteria and processes, with a goal of**
12 **establishing a seamless transition to post-program services to decrease**
13 **recidivism; and**

14 **(4) Develop multidisciplinary program oversight, auditing, and**
15 **evaluation processes that shall include:**

16 **(a) Oversight authority of program case management services**
17 **through the department of mental health;**

18 **(b) Provider performance and outcome metrics; and**

19 **(c) Reports to the legislature and the governor on the status of**
20 **the program as requested.**

21 **3. The department of mental health shall, in collaboration with**
22 **the department of corrections:**

23 **(1) Contract for and pay behavioral health service providers**
24 **under the program;**

25 **(2) Supervise, support, and monitor referral caseloads and the**
26 **provision of services by contract behavioral health service providers;**

27 **(3) Require that contract behavioral health service providers:**

28 **(a) Accept all eligible referrals, provide individualized care**
29 **delivered through integrated multidisciplinary care teams, and**
30 **continue services on an ongoing basis until established discharge**
31 **criteria are met;**

32 **(b) Accept reimbursement on a per-month, per-referral basis, and**
33 **ensure that the payment schedule is based on a pay-for-performance**
34 **model that includes consideration of identified outcomes and the level**
35 **of services required; and**

36 **(c) Bill third parties for services.**

217.030. The director shall appoint the directors of the divisions of the
2 department, except the chairman of the **parole** board [of probation and parole]
3 who shall be appointed by the governor [and who shall serve as the director of the
4 division of probation and parole]. Division directors shall serve at the pleasure
5 of the director, except the chairman of the **parole** board [of probation and parole]
6 who shall serve in the capacity of chairman at the pleasure of the governor. The
7 director of the department shall be the appointing authority under chapter 36 to
8 employ such administrative, technical and other personnel who may be assigned
9 to the department generally rather than to any of the department divisions or

10 facilities and whose employment is necessary for the performance of the powers
11 and duties of the department.

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

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

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

9 (3) Any internal administrative report or document relating to
10 institutional security.

11 2. The court of jurisdiction, or the department, may at their discretion
12 permit the inspection of the department reports or parts of such reports by the
13 offender, whenever the court or department determines that such inspection is
14 in the best interest or welfare of the offender.

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

17 (1) Treatment agencies working with the department in the treatment of
18 the offender;

19 (2) **Law enforcement agencies; or**

20 (3) **Qualified persons and organizations for research, evaluative,**
21 **and statistical purposes under written agreements reasonably designed**
22 **to ensure the security and confidentiality of the information and the**
23 **protection of the privacy interests of the individuals who are subjects**
24 **of the records.**

25 4. No department employee shall have access to any material closed by
26 this section unless such access is necessary for the employee to carry out his
27 duties. The department by rule shall determine what department employees or
28 other persons shall have access to closed records and the procedures needed to
29 maintain the confidentiality of such closed records.

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

34 6. All health care providers and hospitals who have cared for offenders

35 during the period of the offender's incarceration shall provide a copy of all
36 medical records in their possession related to such offender upon demand from
37 the department's health care administrator. The department shall provide
38 reasonable compensation for the cost of such copies and no health care provider
39 shall be liable for breach of confidentiality when acting pursuant to this
40 subsection.

41 7. Copies of all papers, documents, or records compiled, obtained,
42 prepared or maintained by the department or its divisions, properly certified by
43 the appropriate division, shall be admissible as evidence in all courts and in all
44 administrative tribunals in the same manner and with like effect as the originals,
45 whenever the papers, documents, or records are either designated by the
46 department of corrections as public records within the meaning of chapter 610 or
47 are declared admissible as evidence by a court of competent jurisdiction or
48 administrative tribunal of competent jurisdiction.

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

**217.361. 1. The department shall adopt streamlined, validated
2 risk and need assessment tools for men and women, and review the
3 tools and scoring cutoffs every five years for predictive validity across
4 gender and racial groups.**

**5 2. This subsection applies to all programs operated with
6 department funding. The department shall develop procedures to
7 promote the use of:**

**8 (1) Risk and need assessment and appropriate risk and need
9 levels to prioritize access to programs;**

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

**11 (3) Recidivism measurement by risk and need level as part of
12 assessing the effectiveness of programs.**

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

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

**15 (2) Adopt behavior response policy guiding sanction and
16 incentive responses; and**

**17 (3) Adopt policy for readministration of risk and need
18 assessment tools to guide case management practices and supervision
19 level.**

20 4. For department staff in institutional and community settings,

21 **the department shall:**

22 **(1) Require periodic training on how to complete risk and need**
23 **assessment tools and apply the results in making decisions affecting**
24 **client interactions and program placements;**

25 **(2) Provide training on how to maximize client interactions and**
26 **use of case plans; and**

27 **(3) Measure staff performance against best practices.**

28 **5. For community-based mental health treatment programs, the**
29 **department shall adopt a protocol to collect data on quality assurance.**

30 **6. The department shall adopt performance metrics to report on**
31 **supervision outcomes.**

217.655. 1. The **parole** board [of probation and parole] shall be
2 responsible for determining whether a person confined in the department shall
3 be paroled or released conditionally as provided by section 558.011. The board
4 shall **receive administrative support from the division of probation and**
5 **parole. The division of probation and parole shall** provide supervision to
6 all persons referred by the circuit courts of the state as provided by sections
7 217.750 and 217.760. **The board shall exercise independence in making**
8 **decisions about individual cases, but operate cooperatively within the**
9 **department and with other agencies, officials, courts, and stakeholders**
10 **to achieve systemic improvement including the requirements of this**
11 **section.**

12 **2. The board shall adopt parole guidelines to:**

13 **(1) Preserve finite prison capacity for the most serious and**
14 **violent offenders;**

15 **(2) Release supervision-manageable cases consistent with section**
16 **217.690;**

17 **(3) Use finite resources guided by validated risk and needs**
18 **assessments;**

19 **(4) Support a seamless reentry process;**

20 **(5) Set appropriate conditions of supervision; and**

21 **(6) Develop effective strategies for responding to violation**
22 **behaviors.**

23 **3. The board shall collect, analyze, and apply data in carrying**
24 **out its responsibilities to achieve its mission and end goals. The board**
25 **shall establish agency performance and outcome measures that are**
26 **directly responsive to statutory responsibilities and consistent with**

27 **agency goals for release decisions, supervision, revocation, recidivism,**
28 **and caseloads.**

29 **4. The board shall publish parole data, including grant rates,**
30 **revocation and recidivism rates, length of time served, and successful**
31 **supervision completions, and other performance metrics.**

32 **5. The board shall provide for appropriate training to members**
33 **and staff, including communication skills.**

34 **6. The [board] division of probation and parole** shall provide such
35 programs as necessary to carry out its responsibilities consistent with its goals
36 and statutory obligations.

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

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

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

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

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

23 6. Members of the board shall devote full time to the duties of their office
24 and before taking office shall subscribe to an oath or affirmation to support the
25 Constitution of the United States and the Constitution of the State of
26 Missouri. The oath shall be signed in the office of the secretary of state.

27 7. The annual compensation for each member of the board whose term
28 commenced before August 28, 1999, shall be forty-five thousand dollars plus any
29 salary adjustment, including prior salary adjustments, provided pursuant to
30 section 105.005. Salaries for board members whose terms commence after August
31 27, 1999, shall be set as provided in section 105.950; provided, however, that the
32 compensation of a board member shall not be increased during the member's term
33 of office, except as provided in section 105.005. In addition to compensation
34 provided by law, the members shall be entitled to reimbursement for necessary
35 travel and other expenses incurred pursuant to section 33.090.

36 8. Any person who served as a member of the board of probation and
37 parole prior to July 1, 2000, shall be made, constituted, appointed and employed
38 by the board of trustees of the state employees' retirement system as a special
39 consultant on the problems of retirement, aging and other state matters. As
40 compensation for such services, such consultant shall not be denied use of any
41 unused sick leave, or the ability to receive credit for unused sick leave pursuant
42 to chapter 104, provided such sick leave was maintained by the board of probation
43 and parole in the regular course of business prior to July 1, 2000, but only to the
44 extent of such sick leave records are consistent with the rules promulgated
45 pursuant to section 36.350. Nothing in this section shall authorize the use of any
46 other form of leave that may have been maintained by the board prior to July 1,
47 2000.

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

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

14 3. The orders of the board shall not be reviewable except as to compliance
15 with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant

16 to such section.

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

20 5. Notwithstanding any other provision of law, any meeting, record, or
21 vote, of proceedings involving probation, parole, or pardon, may be a closed
22 meeting, closed record, or closed vote.

23 6. Notwithstanding any other provision of law, when the appearance or
24 presence of an offender before the board or a hearing panel is required for the
25 purpose of deciding whether to grant conditional release or parole, extend the
26 date of conditional release, revoke parole or conditional release, or for any other
27 purpose, such appearance or presence may occur by means of a videoconference
28 at the discretion of the board. Victims having a right to attend parole hearings
29 may testify either at the site where the board is conducting the videoconference
30 or at the institution where the offender is located. The use of videoconferencing
31 in this section shall be at the discretion of the board, and shall not be utilized if
32 either [the offender,] the victim or the victim's family objects to it.

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

6 2. Before ordering the parole of any offender, the board shall **conduct a**
7 **validated risk and needs assessment and evaluate the case under the**
8 **rules governing parole that are promulgated by the board. The board**
9 **shall then** have the offender appear before a hearing panel and shall conduct a
10 personal interview with him, unless waived by the offender, **or if the guidelines**
11 **indicate the offender may be paroled without need for an**
12 **interview. The appearance or presence may occur by means of a**
13 **videoconference at the discretion of the board.** A parole [shall] may be
14 ordered [only for the best interest of society] **when there is a reasonable**
15 **probability, based on the risk assessment and indicators of release**
16 **readiness, that the person can be supervised under parole supervision**
17 **and successfully reintegrated into the community,** not as an award of
18 clemency; it shall not be considered a reduction of sentence or a pardon. [An
19 offender shall be placed on parole only when the board believes that he is able

20 and willing to fulfill the obligations of a law-abiding citizen.] Every offender while
21 on parole shall remain in the legal custody of the department but shall be subject
22 to the orders of the board.

23 3. The [board] **division of probation and parole** has discretionary
24 authority to require the payment of a fee, not to exceed sixty dollars per month,
25 from every offender placed under [board] **division** supervision on probation,
26 parole, or conditional release, to waive all or part of any fee, to sanction offenders
27 for willful nonpayment of fees, and to contract with a private entity for fee
28 collections services. All fees collected shall be deposited in the inmate fund
29 established in section 217.430. Fees collected may be used to pay the costs of
30 contracted collections services. The fees collected may otherwise be used to
31 provide community corrections and intervention services for offenders. Such
32 services include substance abuse assessment and treatment, mental health
33 assessment and treatment, electronic monitoring services, residential facilities
34 services, employment placement services, and other offender community
35 corrections or intervention services designated by the [board] **division of**
36 **probation and parole** to assist offenders to successfully complete probation,
37 parole, or conditional release. The board shall adopt rules not inconsistent with
38 law, in accordance with section 217.040, with respect to sanctioning offenders and
39 with respect to establishing, waiving, collecting, and using fees.

40 4. The board shall adopt rules not inconsistent with law, in accordance
41 with section 217.040, with respect to the eligibility of offenders for parole, the
42 conduct of parole hearings or conditions to be imposed upon paroled
43 offenders. Whenever an order for parole is issued it shall recite the conditions
44 of such parole.

45 5. When considering parole for an offender with consecutive sentences, the
46 minimum term for eligibility for parole shall be calculated by adding the
47 minimum terms for parole eligibility for each of the consecutive sentences, except
48 the minimum term for parole eligibility shall not exceed the minimum term for
49 parole eligibility for an ordinary life sentence.

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

55 7. **A victim who has requested an opportunity to be heard shall**

56 **receive notice that the board is conducting an assessment of the**
57 **offender's risk and readiness for release and that the victim's input will**
58 **be particularly helpful when it pertains to safety concerns and specific**
59 **protective measures that may be beneficial to the victim should the**
60 **offender be granted release.**

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

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

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

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

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

71 (5) The judge, prosecuting attorney or circuit attorney and a
72 representative of the local law enforcement agency investigating the crime shall
73 be allowed to attend the hearing or provide information to the hearing panel in
74 regard to the parole consideration; and

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

78 [8.] 9. The board shall notify any person of the results of a parole
79 eligibility hearing if the person indicates to the board a desire to be notified.

80 [9.] 10. The board may, at its discretion, require any offender seeking
81 parole to meet certain conditions during the term of that parole so long as said
82 conditions are not illegal or impossible for the offender to perform. These
83 conditions may include an amount of restitution to the state for the cost of that
84 offender's incarceration.

85 11. **Special parole conditions shall be responsive to the assessed**
86 **risk and needs of the offender or the need for extraordinary**
87 **supervision, such as electronic monitoring. The board shall adopt rules**
88 **to minimize the conditions placed on low risk cases, to frontload**
89 **conditions upon release, and to require the modification and reduction**
90 **of conditions based on the person's continuing stability in the**
91 **community. Board rules shall permit parole conditions to be modified**

92 **by parole officers with review and approval by supervisors.**

93 [10.] **12.** Nothing contained in this section shall be construed to require
94 the release of an offender on parole nor to reduce the sentence of an offender
95 heretofore committed.

96 [11. Beginning January 1, 2001, the board shall not order a parole unless
97 the offender has obtained a high school diploma or its equivalent, or unless the
98 board is satisfied that the offender, while committed to the custody of the
99 department, has made an honest good-faith effort to obtain a high school diploma
100 or its equivalent; provided that the director may waive this requirement by
101 certifying in writing to the board that the offender has actively participated in
102 mandatory education programs or is academically unable to obtain a high school
103 diploma or its equivalent.

104 12.] **13.** Any rule or portion of a rule, as that term is defined in section
105 536.010, that is created under the authority delegated in this section shall
106 become effective only if it complies with and is subject to all of the provisions of
107 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
108 nonseverable and if any of the powers vested with the general assembly pursuant
109 to chapter 536 to review, to delay the effective date, or to disapprove and annul
110 a rule are subsequently held unconstitutional, then the grant of rulemaking
111 authority and any rule proposed or adopted after August 28, 2005, shall be
112 invalid and void.

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

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

6 (2) On probation, parole, or conditional release for an offense listed in
7 chapter 579, or an offense previously listed in chapter 195, or for a class D or E
8 felony, excluding [the offenses of stalking in the first degree, rape in the second
9 degree, sexual assault, sodomy in the second degree] **sections 565.225, 566.031,**
10 **566.061, 566.093, 568.020, 568.060, offenses defined as "sexual assault"**
11 **under section 589.015,** deviate sexual assault, assault in the second degree
12 under subdivision (2) of subsection 1 of section 565.052, [sexual misconduct
13 involving a child,] endangering the welfare of a child in the first degree under
14 subdivision (2) of subsection 1 of section 568.045, [incest, invasion of privacy,
15 abuse of a child,] and any offense of aggravated stalking or assault in the second

16 degree under subdivision (2) of subsection 1 of section 565.060 as such offenses
17 existed prior to January 1, 2017;

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

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

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

23 (1) Involuntary manslaughter in the second degree;

24 (2) Assault in the second degree except under subdivision (2) of subsection
25 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;

26 (3) Domestic assault in the second degree;

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

30 (5) Statutory rape in the second degree;

31 (6) Statutory sodomy in the second degree;

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

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

36 the sentencing court may, upon its own motion or a motion of the prosecuting or
37 circuit attorney, make a finding that the offender is ineligible to earn compliance
38 credits because the nature and circumstances of the offense or the history and
39 character of the offender indicate that a longer term of probation, parole, or
40 conditional release is necessary for the protection of the public or the guidance
41 of the offender. The motion may be made any time prior to the first month in
42 which the person may earn compliance credits under this section **or at a**
43 **hearing under subsection 5 of this section.** The offender's ability to earn
44 credits shall be suspended until the court or board makes its finding. If the court
45 or board finds that the offender is eligible for earned compliance credits, the
46 credits shall begin to accrue on the first day of the next calendar month following
47 the issuance of the decision.

48 3. Earned compliance credits shall reduce the term of probation, parole,
49 or conditional release by thirty days for each full calendar month of compliance
50 with the terms of supervision. Credits shall begin to accrue for eligible offenders
51 after the first full calendar month of supervision or on October 1, 2012, if the

52 offender began a term of probation, parole, or conditional release before
53 September 1, 2012.

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

58 5. Credits shall not accrue during any calendar month in which a
59 violation report, **which may include a report of absconder status**, has been
60 submitted, **the offender is in custody**, or a motion to revoke or motion to
61 suspend has been filed, and shall be suspended pending the outcome of a hearing,
62 if a hearing is held. If no hearing is held, **or if a hearing is held and the**
63 **offender is continued under supervision**, or the court or board finds that the
64 violation did not occur, then the offender shall be deemed to be in compliance and
65 shall begin earning credits on the first day of the next calendar month following
66 the month in which the report was submitted or the motion was filed. **If a**
67 **hearing is held**, all earned credits shall be rescinded if:

68 (1) The court or board revokes the probation or parole or the court places
69 the offender in a department program under subsection 4 of section 559.036 **or**
70 **under section 217.785; or**

71 (2) **The offender is found by the court or board to be ineligible**
72 **to earn compliance credits because the nature and circumstances of the**
73 **violation indicate that a longer term of probation, parole, or**
74 **conditional release is necessary for the protection of the public or the**
75 **guidance of the offender.**

76 Earned credits, **if not rescinded**, shall continue to be suspended for a period of
77 time during which the court or board has suspended the term of probation, parole,
78 or release, and shall begin to accrue on the first day of the next calendar month
79 following the lifting of the suspension.

80 6. Offenders who are deemed by the division to be absconders shall not
81 earn credits. For purposes of this subsection, "absconder" shall mean an offender
82 under supervision **whose whereabouts are unknown and** who has left such
83 offender's place of residency without the permission of the offender's supervising
84 officer **and without notifying of their whereabouts** for the purpose of
85 avoiding supervision. An offender shall no longer be deemed an absconder when
86 such offender is available for active supervision.

87 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once

88 the combination of time served in custody, if applicable, time served on probation,
89 parole, or conditional release, and earned compliance credits satisfy the total
90 term of probation, parole, or conditional release, the board or sentencing court
91 shall order final discharge of the offender, so long as the offender has completed
92 **restitution and** at least two years of his or her probation [or], parole, **or**
93 **conditional release**, which shall include any time served in custody under
94 section 217.718 and sections 559.036 and 559.115.

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

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

101 10. No less than sixty days before the date of final discharge, the division
102 shall notify the sentencing court, the board, and, for probation cases, the circuit
103 or prosecuting attorney of the impending discharge. If the sentencing court, the
104 board, or the circuit or prosecuting attorney upon receiving such notice does not
105 take any action under subsection 5 of this section, the offender shall be
106 discharged under subsection 7 of this section.

107 11. Any offender who was sentenced prior to January 1, 2017, to an
108 offense that was eligible for earned compliance credits under subsection 1 or 2 of
109 this section at the time of sentencing shall continue to remain eligible for earned
110 compliance credits so long as the offender meets all the other requirements
111 provided under this section.

217.705. 1. The [chairman] **director of the division of probation and**
2 **parole** shall appoint probation and parole officers and institutional parole
3 officers as deemed necessary to carry out the purposes of the board.

4 2. Probation and parole officers shall investigate all persons referred to
5 them for investigation by the board or by any court as provided by sections
6 217.750 and 217.760. They shall furnish to each offender released under their
7 supervision a written statement of the conditions of probation, parole or
8 conditional release and shall instruct the offender regarding these
9 conditions. They shall keep informed of the offender's conduct and condition and
10 use all suitable methods to aid and encourage the offender to bring about
11 improvement in the offender's conduct and conditions.

12 3. The probation and parole officer may recommend and, by order duly

13 entered, the court may impose and may at any time modify any conditions of
14 probation. The court shall cause a copy of any such order to be delivered to the
15 probation and parole officer and the offender.

16 4. Probation and parole officers shall keep detailed records of their work
17 and shall make such reports in writing and perform such other duties as may be
18 incidental to those enumerated that the board may require. In the event a
19 parolee is transferred to another probation and parole officer, the written record
20 of the former probation and parole officer shall be given to the new probation and
21 parole officer.

22 5. Institutional parole officers shall investigate all offenders referred to
23 them for investigation by the board and shall provide the board such other
24 reports the board may require. They shall furnish the offender prior to release
25 on parole or conditional release a written statement of the conditions of parole or
26 conditional release and shall instruct the offender regarding these conditions.

27 6. The department shall furnish probation and parole officers and
28 institutional parole officers, including supervisors, with credentials and a special
29 badge which such officers and supervisors shall carry on their person at all times
30 while on duty.

217.720. 1. At any time during release on parole or conditional release
2 the [board] **division of probation and parole** may issue a warrant for the
3 arrest of a released offender for violation of any of the conditions of parole or
4 conditional release. The warrant shall authorize any law enforcement officer to
5 return the offender to the actual custody of the correctional center from which the
6 offender was released, or to any other suitable facility designated by the [board]
7 **division**. If any parole or probation officer has probable cause to believe that
8 such offender has violated a condition of parole or conditional release, the
9 probation or parole officer may issue a warrant for the arrest of the offender. The
10 probation or parole officer may effect the arrest or may deputize any officer with
11 the power of arrest to do so by giving the officer a copy of the warrant which shall
12 outline the circumstances of the alleged violation and contain the statement that
13 the offender has, in the judgment of the probation or parole officer, violated
14 conditions of parole or conditional release. The warrant delivered with the
15 offender by the arresting officer to the official in charge of any facility designated
16 by the [board] **division** to which the offender is brought shall be sufficient legal
17 authority for detaining the offender. After the arrest the parole or probation
18 officer shall present to the detaining authorities a similar statement of the

19 circumstances of violation. Pending hearing as hereinafter provided, upon any
20 charge of violation, the offender shall remain in custody or incarcerated without
21 consideration of bail.

22 2. If the offender is arrested under the authority granted in subsection 1
23 of this section, the offender shall have the right to a preliminary hearing on the
24 violation charged unless the offender waives such hearing. Upon such arrest and
25 detention, the parole or probation officer shall immediately notify the board and
26 shall submit in writing a report showing in what manner the offender has
27 violated the conditions of his parole or conditional release. The board shall order
28 the offender discharged from such facility, require as a condition of parole or
29 conditional release the placement of the offender in a treatment center operated
30 by the department of corrections, or shall cause the offender to be brought before
31 it for a hearing on the violation charged, under such rules and regulations as the
32 board may adopt. If the violation is established and found, the board may
33 continue or revoke the parole or conditional release, or enter such other order as
34 it may see fit. If no violation is established and found, then the parole or
35 conditional release shall continue. If at any time during release on parole or
36 conditional release the offender is arrested for a crime which later leads to
37 conviction, and sentence is then served outside the Missouri department of
38 corrections, the board shall determine what part, if any, of the time from the date
39 of arrest until completion of the sentence imposed is counted as time served
40 under the sentence from which the offender was paroled or conditionally released.

41 3. An offender for whose return a warrant has been issued by the [board]
42 **division** shall, if it is found that the warrant cannot be served, be deemed to be
43 a fugitive from justice or to have fled from justice. If it shall appear that the
44 offender has violated the provisions and conditions of his parole or conditional
45 release, the board shall determine whether the time from the issuing date of the
46 warrant to the date of his arrest on the warrant, or continuance on parole or
47 conditional release shall be counted as time served under the sentence. In all
48 other cases, time served on parole or conditional release shall be counted as time
49 served under the sentence.

50 4. At any time during parole or probation, the [board] **division** may issue
51 a warrant for the arrest of any person from another jurisdiction, the visitation
52 and supervision of whom the [board] **division** has undertaken pursuant to the
53 provisions of the interstate compact for the supervision of parolees and
54 probationers authorized in section 217.810, for violation of any of the conditions

55 of release, or a notice to appear to answer a charge of violation. The notice shall
56 be served personally upon the person. The warrant shall authorize any law
57 enforcement officer to return the offender to any suitable detention facility
58 designated by the [board] **division**. Any parole or probation officer may arrest
59 such person without a warrant, or may deputize any other officer with power of
60 arrest to do so by issuing a written statement setting forth that the defendant
61 has, in the judgment of the parole or probation officer, violated the conditions of
62 his release. The written statement delivered with the person by the arresting
63 officer to the official in charge of the detention facility to which the person is
64 brought shall be sufficient legal authority for detaining him. After making an
65 arrest the parole or probation officer shall present to the detaining authorities a
66 similar statement of the circumstances of violation.

217.722. 1. If any probation officer has probable cause to believe that the
2 person on probation has violated a condition of probation, the probation officer
3 may issue a warrant for the arrest of the person on probation. The officer may
4 effect the arrest or may deputize any other officer with the power of arrest to do
5 so by giving the officer a copy of the warrant which will outline the circumstances
6 of the alleged violation and contain the statement that the person on probation
7 has, in the judgment of the probation officer, violated the conditions of
8 probation. The warrant delivered with the offender by the arresting officer to the
9 official in charge of any jail or other detention facility shall be sufficient authority
10 for detaining the person on probation pending a preliminary hearing on the
11 alleged violation. Other provisions of law relating to release on bail of persons
12 charged with criminal offenses shall be applicable to persons detained on alleged
13 probation violations.

14 2. Any person on probation arrested under the authority granted in
15 subsection 1 of this section shall have the right to a preliminary hearing on the
16 violation charged as long as the person on probation remains in custody or unless
17 the offender waives such hearing. The person on probation shall be notified
18 immediately in writing of the alleged probation violation. If arrested in the
19 jurisdiction of the sentencing court, and the court which placed the person on
20 probation is immediately available, the preliminary hearing shall be heard by the
21 sentencing court. Otherwise, the person on probation shall be taken before a
22 judge or associate circuit judge in the county of the alleged violation or arrest
23 having original jurisdiction to try criminal offenses or before an impartial
24 member of the staff of the [Missouri board] **division** of probation and parole, and

25 the preliminary hearing shall be held as soon as possible after the arrest. Such
26 preliminary hearings shall be conducted as provided by rule of court or by rules
27 of the [Missouri] **parole** board [of probation and parole]. If it appears that there
28 is probable cause to believe that the person on probation has violated a condition
29 of probation, or if the person on probation waives the preliminary hearing, the
30 judge or associate circuit judge, or member of the staff of the [Missouri board]
31 **division** of probation and parole shall order the person on probation held for
32 further proceedings in the sentencing court. If probable cause is not found, the
33 court shall not be barred from holding a hearing on the question of the alleged
34 violation of a condition of probation nor from ordering the person on probation to
35 be present at such a hearing.

36 3. Upon such arrest and detention, the probation officer shall immediately
37 notify the sentencing court and shall submit to the court a written report showing
38 in what manner the person on probation has violated the conditions of
39 probation. Thereupon, or upon arrest by warrant, the court shall cause the
40 person on probation to be brought before it without unnecessary delay for a
41 hearing on the violation charged. Revocation hearings shall be conducted as
42 provided by rule of court.

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

5 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100,
6 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act
7 committed on or after August 28, 2006; or

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

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

17 3. Subsection 1 of this section applies to offenders who have been granted
18 probation, and to offenders who have been released on parole, conditional release,

19 or upon serving their full sentence without early release. Supervision of an
20 offender who was released after serving his or her full sentence will be considered
21 as supervision on parole.

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

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

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

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

4 2. The [board] **division of probation and parole** shall provide
5 probation services for any person convicted of any class of felony. The [board]
6 **division of probation and parole** shall not provide probation services for any
7 class of misdemeanor except those class A misdemeanors the basis of which is
8 contained in chapters 565 and 566 or in section 568.050, 455.085, 589.425, or
9 section 455.538.

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

217.760. 1. In all felony cases and class A misdemeanor cases, the basis
2 of which misdemeanor cases are contained in chapters 565 and 566 and section
3 577.023, at the request of a circuit judge of any circuit court, the [board]
4 **division of probation and parole** shall assign one or more state probation and
5 parole officers to make an investigation of the person convicted of the crime or
6 offense before sentence is imposed. In all felony cases in which the recommended
7 sentence established by the sentencing advisory commission pursuant to
8 subsection 6 of section 558.019 includes probation but the recommendation of the
9 prosecuting attorney or circuit attorney does not include probation, the [board]
10 **division** of probation and parole shall, prior to sentencing, provide the judge

11 with a report on available alternatives to incarceration. If a presentence
12 investigation report is completed then the available alternatives shall be included
13 in the presentence investigation report.

14 2. The report of the presentence investigation or preparole investigation
15 shall contain any prior criminal record of the defendant and such information
16 about his or her characteristics, his or her financial condition, his or her social
17 history, the circumstances affecting his or her behavior as may be helpful in
18 imposing sentence or in granting probation or in the correctional treatment of the
19 defendant, information concerning the impact of the crime upon the victim, the
20 recommended sentence established by the sentencing advisory commission and
21 available alternatives to incarceration including opportunities for restorative
22 justice, as well as a recommendation by the probation and parole officer. The
23 officer shall secure such other information as may be required by the court and,
24 whenever it is practicable and needed, such investigation shall include a physical
25 and mental examination of the defendant.

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

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

7 3. If the court does not order a presentence investigation, the prosecuting
8 attorney may prepare a victim impact statement to be submitted to the
9 court. The court shall consider the victim impact statement in determining the
10 appropriate sentence, and in entering any order of restitution to the victim.

11 4. A victim impact statement shall:

12 (1) Identify the victim of the offense;

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

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

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

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

21 (6) Contain any other information related to the impact of the offense

22 upon the victim that the court requires.

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

4 (1) Promote accountability of offenders to crime victims, local communities
5 and the state by providing increased opportunities for offenders to make
6 restitution to victims of crime through financial reimbursement or community
7 service;

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

10 (3) Provide structured opportunities for local communities to determine
11 effective local sentencing options to assure that individual community programs
12 are specifically designed to meet local needs;

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

16 (5) **Utilize community supervision centers to effectively respond**
17 **to violations and prevent revocations; and**

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

21 2. The program shall be designed to implement and operate
22 community-based restorative justice projects including, but not limited to:
23 preventive or diversionary programs, community-based intensive probation and
24 parole services, community-based treatment centers, day reporting centers, and
25 the operation of facilities for the detention, confinement, care and treatment of
26 adults under the purview of this chapter.

27 3. The department shall promulgate rules and regulations for operation
28 of the program established pursuant to this section as provided for in section
29 217.040 and chapter 536.

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

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

36 (1) The department shall provide a program of training to eligible
37 volunteers and develop specific conditions of a probation program and conditions
38 of probation for offenders referred to it by the court. Such conditions, as
39 established by the community boards and the department, may include
40 compensation and restitution to the community and the victim by fines, fees, day
41 fines, victim-offender mediation, participation in victim impact panels, community
42 service, or a combination of the aforementioned conditions;

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

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

217.810. 1. The governor is hereby authorized and directed to enter into
2 the interstate compact for the supervision of parolees and probationers on behalf
3 of the state of Missouri with the commonwealth of Puerto Rico, the Virgin
4 Islands, the District of Columbia and any and all other states of the United
5 States legally joining therein and pursuant to the provisions of an act of the
6 Congress of the United States of America granting the consent of Congress to the
7 commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and
8 any two or more states to enter into agreements or compacts for cooperative effort
9 and mutual assistance in the prevention of crime and for other purposes, which
10 compact shall have as its objective the permitting of persons placed on probation
11 or released on parole to reside in any other state signatory to the compact
12 assuming the duties of visitation and supervision over such probationers and
13 parolees; permitting the extradition and transportation without interference of
14 prisoners, being retaken, through any and all states signatory to the compact
15 under such terms, conditions, rules and regulations, and for such duration as in
16 the opinion of the governor of this state shall be necessary and proper and in a
17 form substantially as contained in subsection 2 of this section. The chairman of
18 the board shall administer the compact for the state.

19 2. INTERSTATE COMPACT FOR THE
20 SUPERVISION OF PAROLEES AND PROBATIONERS

21 This compact shall be entered into by and among the contracting states,
22 signatories hereto, with the consent of the Congress of the United States of
23 America, granted by an act entitled "An act granting the consent of Congress to

24 any two or more states to enter into agreements or compacts for cooperative effort
25 and mutual assistance in the prevention of crime and for other purposes."

26 The contracting states solemnly agree:

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

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

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

36 Before granting such permission, opportunity shall be granted to the
37 receiving state to investigate the home and prospective employment of such
38 person.

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

44 (2) The receiving state shall assume the duties of visitation and
45 supervision over probationers or parolees of any sending state transferred under
46 the compact and will apply the same standards of supervision that prevail for its
47 own probationers and parolees.

48 (3) That duly accredited officers of a sending state may at all times enter
49 a receiving state and there apprehend and retake any person on probation or
50 parole. For that purpose no formalities will be required other than establishing
51 the authority of the officer and the identity of the person to be retaken. All legal
52 requirements to obtain extradition of fugitives from justice are hereby expressly
53 waived on the part of states party hereto, as to such persons. The decision of the
54 sending state to retake a person on probation or parole shall be conclusive upon
55 and not reviewable within the receiving state. Provided, however, that if at the
56 time when a state seeks to retake a probationer or parolee there should be
57 pending against him within the receiving state any criminal charge, or he should
58 be suspected of having committed within such state a criminal offense, he shall
59 not be retaken without the consent of the receiving state until discharged from

60 prosecution or from imprisonment for such offense.

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

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

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

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

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

84 4. All necessary and proper expenses accruing as a result of a person
85 being returned to this state by order of a court or the **parole** board [of probation
86 and parole] shall be paid by the state as provided in section 548.241 or 548.243.

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

6 2. When the final determination of any criminal prosecution shall be such
7 as to render the state liable for costs under existing laws, it shall be the duty of
8 the sheriff to certify to the clerk of the circuit court or court of common pleas in
9 which the case was determined the total number of days any prisoner who was

10 a party in such case remained in the county jail. It shall be the duty of the
11 county commission to supply the cost per diem for county prisons to the clerk of
12 the circuit court on the first day of each year, and thereafter whenever the
13 amount may be changed. It shall then be the duty of the clerk of the court in
14 which the case was determined to include in the bill of cost against the state all
15 fees which are properly chargeable to the state. In any city not within a county
16 it shall be the duty of the superintendent of any facility boarding prisoners to
17 certify to the chief executive officer of such city not within a county the total
18 number of days any prisoner who was a party in such case remained in such
19 facility. It shall be the duty of the superintendents of such facilities to supply the
20 cost per diem to the chief executive officer on the first day of each year, and
21 thereafter whenever the amount may be changed. It shall be the duty of the chief
22 executive officer to bill the state all fees for boarding such prisoners which are
23 properly chargeable to the state. The chief executive may by notification to the
24 department of corrections delegate such responsibility to another duly sworn
25 official of such city not within a county. The clerk of the court of any city not
26 within a county shall not include such fees in the bill of costs chargeable to the
27 state. The department of corrections shall revise its criminal cost manual in
28 accordance with this provision.

29 3. Except as provided under subsection 6 of section 217.718, the actual
30 costs chargeable to the state, including those incurred for a prisoner who is
31 incarcerated in the county jail because the prisoner's parole or probation has been
32 revoked or because the prisoner has, or allegedly has, violated any condition of
33 the prisoner's parole or probation, and such parole or probation is a consequence
34 of a violation of a state statute, or the prisoner is a fugitive from the Missouri
35 department of corrections or otherwise held at the request of the Missouri
36 department of corrections regardless of whether or not a warrant has been issued
37 shall be the actual cost of incarceration not to exceed:

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

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

40 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per
41 day per prisoner, subject to appropriations, but not less than the amount
42 appropriated in the previous fiscal year.

43 **4. The presiding judge of a judicial circuit may propose expenses**
44 **to be reimbursable by the state on behalf of one or more of the counties**
45 **in that circuit. Proposed reimbursable expenses may include pretrial**

46 assessment and supervision strategies for defendants who are
47 ultimately eligible for state incarceration. A county may not receive
48 more than its share of the amount appropriated in the previous fiscal
49 year, inclusive of expenses proposed by the presiding judge. Any
50 county shall convey such proposal to the department, and any such
51 proposal presented by a presiding judge shall include the documented
52 agreement with the proposal by the county governing body, prosecuting
53 attorney, and the officer of the county responsible for custody or
54 incarceration of prisoners of the county represented in the proposal.

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

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

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of
6 the family, of a victim eligible for compensation pursuant to sections 595.010 to
7 595.075;

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

11 (4) "Counseling", problem-solving and support concerning emotional issues
12 that result from criminal victimization licensed pursuant to section 595.030.
13 Counseling is a confidential service provided either on an individual basis or in
14 a group. Counseling has as a primary purpose to enhance, protect and restore a
15 person's sense of well-being and social functioning after victimization. Counseling
16 does not include victim advocacy services such as crisis telephone counseling,
17 attendance at medical procedures, law enforcement interviews or criminal justice
18 proceedings;

19 (5) "Crime", an act committed in this state which, [if committed by a
20 mentally competent, criminally responsible person who had no legal exemption
21 or defense, would constitute a crime; provided that, such act] **regardless of**
22 **whether it is adjudicated**, involves the application of force or violence or the
23 threat of force or violence by the offender upon the victim but shall include the
24 crime of driving while intoxicated, vehicular manslaughter and hit and run; and
25 provided, further, that no act involving the operation of a motor vehicle except
26 driving while intoxicated, vehicular manslaughter and hit and run which results
27 in injury to another shall constitute a crime for the purpose of sections 595.010

28 to 595.075, unless such injury was intentionally inflicted through the use of a
29 motor vehicle. A crime shall also include an act of terrorism, as defined in 18
30 U.S.C. Section 2331, which has been committed outside of the United States
31 against a resident of Missouri;

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

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

35 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father,
36 child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly
37 or partially dependent for support upon, and living with, but shall include
38 children entitled to child support but not living with, the victim at the time of his
39 injury or death due to a crime alleged in a claim pursuant to sections 595.010 to
40 595.075;

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

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

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

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

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

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

58 (15) "Funeral expenses", the expenses of the funeral, burial, cremation or
59 other chosen method of interment, including plot or tomb and other necessary
60 incidents to the disposition of the remains;

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

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

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

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

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

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

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

80 (c) Killed or receiving a personal physical injury in this state while
81 assisting a law enforcement officer in the apprehension of a person who the
82 officer has reason to believe has perpetrated or attempted a crime;

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

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

87 (23) "Personal [physical] injury", [actual bodily harm only with respect
88 to the victim. Personal physical injury may include mental or nervous shock]
89 **physical, emotional, or mental harm or trauma** resulting from the [specific
90 incident] **crime** upon which the claim is based;

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

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

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

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

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

102 (29) "Victim advocacy", assisting the victim of a crime and his dependents
103 to acquire services from existing community resources.

104 2. As used in [sections 565.024 and 565.060 and] sections 595.010 to
105 595.075, the term "alcohol-related traffic offense" means those offenses defined
106 by sections 577.001, 577.010, and 577.012, and any county or municipal ordinance
107 which prohibits operation of a motor vehicle while under the influence of alcohol.

595.015. 1. The department of public safety shall, pursuant to the
2 provisions of sections 595.010 to 595.075, have jurisdiction to determine and
3 award compensation to, or on behalf of, victims of crimes. In making such
4 determinations and awards, the department shall ensure the compensation
5 sought is reasonable and consistent with the limitations described in sections
6 595.010 to 595.075. Additionally, if compensation being sought includes medical
7 expenses, the department shall further ensure that such expenses are medically
8 necessary. The department of public safety may pay directly to the provider of
9 the services compensation for medical or funeral expenses, or expenses for other
10 services as described in section 595.030, incurred by the claimant. The
11 department is not required to provide compensation in any case, nor is it required
12 to award the full amount claimed. The department shall make its award of
13 compensation based upon independent verification obtained during its
14 investigation.

15 2. Such claims shall be made by filing an application for compensation
16 with the department of public safety. The application form shall be furnished by
17 the department [and the signature shall be notarized]. The application shall
18 include:

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

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

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

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

27 (5) The nature and extent of the injuries sustained by the victim, the
28 names and addresses of those giving medical and hospital treatment to the victim

29 and whether death resulted;

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

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

35 (8) Releases authorizing the surrender to the department of reports,
36 documents and other information relating to the matters specified under this
37 section; and

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

39 3. In addition to the application, the department may require that the
40 claimant submit materials substantiating the facts stated in the application.

41 4. [If the department finds that an application does not contain the
42 required information or that the facts stated therein have not been substantiated,
43 it shall notify the claimant in writing of the specific additional items of
44 information or materials required and that the claimant has thirty days from the
45 date of mailing in which to furnish those items to the department. Unless a
46 claimant requests and is granted an extension of time by the department, the
47 department shall reject with prejudice the claim of the claimant for failure to file
48 the additional information or materials within the specified time.

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

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

56 [7.] 5. Any state or local agency, including a prosecuting attorney or law
57 enforcement agency, shall make available without cost to the fund all reports,
58 files and other appropriate information which the department requests in order
59 to make a determination that a claimant is eligible for an award pursuant to
60 sections 595.010 to 595.075.

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

3 (1) A victim of a crime;

4 (2) In the case of a sexual assault victim[:

5 (a)], a relative of the victim requiring counseling in order to better assist
6 the victim in his recovery; and

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

8 (a) A dependent of the victim;

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

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

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

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

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

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

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

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

40 (3) The claimant shall file an application to request that the case be

41 reactivated not later than six months after the date the claimant is released from
42 incarceration. Failure to file such request within the six-month period shall serve
43 as a bar to any recovery.

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

48 7.] 5. A Missouri resident who suffers personal [physical] injury or, in
49 the case of death, a dependent of the victim or any member of the family who
50 legally assumes the obligation, or who pays the medical or burial expenses
51 incurred as a direct result thereof, in another state, possession or territory of the
52 United States may make application for compensation in Missouri if:

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

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

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

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

6 3. Each claim shall be [filed in person or by mail] **submitted to the**
7 **department.** The department of public safety shall investigate such claim, prior
8 to the opening of formal proceedings. The claimant shall be notified of the date
9 and time of any hearing on such claim. In determining the amount of
10 compensation for which a claimant is eligible, the department shall consider the
11 facts stated on the application filed pursuant to section 595.015, and:

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

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

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

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

29 5. The person filing a claim shall, prior to any hearing thereon, submit
30 reports, if available, from all hospitals, physicians [or], surgeons, **or other**
31 **health care providers** who treated or examined the victim for the injury for
32 which compensation is sought. **A hospital, physician, surgeon, or other**
33 **health care provider may submit reports on behalf of the person filing**
34 **a claim.** If, in the opinion of the department of public safety, an examination of
35 the injured victim and a report thereon, or a report on the cause of death of the
36 victim, would be of material aid, the department of public safety may appoint a
37 duly qualified, impartial physician to make such examination and report.

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

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

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

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

10 or

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

13 Compensation paid for an out-of-pocket loss under this subdivision shall be in an
14 amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

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

36 [3.] 2. No compensation shall be paid for medical care if the service
37 provider is not a medical provider as that term is defined in section 595.027, and
38 the individual providing the medical care is not licensed by the state of Missouri
39 or the state in which the medical care is provided.

40 [4.] 3. No compensation shall be paid for psychiatric treatment or other
41 counseling services, including psychotherapy, unless the service provider is a:

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

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

- 46 (3) Clinical social worker licensed pursuant to chapter 337;
47 (4) Professional counselor licensed pursuant to chapter 337; or
48 (5) Board-certified psychiatric-mental health clinical nurse specialist or
49 board certified psychiatric-mental health nurse practitioner licensed under
50 chapter 335 or licensed in the state in which the service is provided.

51 [5.] 4. Any compensation paid pursuant to sections 595.010 to 595.075
52 for death or personal injury shall be in an amount not exceeding out-of-pocket
53 loss, together with loss of earnings or support from gainful employment, not to
54 exceed four hundred dollars per week, resulting from such injury or death. In the
55 event of death of the victim, an award may be made for reasonable and necessary
56 expenses actually incurred for preparation and burial not to exceed five thousand
57 dollars.

58 [6.] 5. Any compensation for loss of earnings or support from gainful
59 employment shall be in an amount equal to the actual loss sustained not to
60 exceed four hundred dollars per week; provided, however, that no award pursuant
61 to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two
62 or more persons are entitled to compensation as a result of the death of a person
63 which is the direct result of a crime or in the case of a sexual assault, the
64 compensation shall be apportioned by the department of public safety among the
65 claimants in proportion to their loss.

66 [7.] 6. The method and timing of the payment of any compensation
67 pursuant to sections 595.010 to 595.075 shall be determined by the department.

68 [8.] 7. The department shall have the authority to negotiate the costs of
69 medical care or other services directly with the providers of the care or services
70 on behalf of any victim receiving compensation pursuant to sections 595.010 to
71 595.075.

595.035. 1. For the purpose of determining the amount of compensation
2 payable pursuant to sections 595.010 to 595.075, the department of public safety
3 shall, insofar as practicable, formulate standards for the uniform application of
4 sections 595.010 to 595.075, taking into consideration the provisions of sections
5 595.010 to 595.075, the rates and amounts of compensation payable for injuries
6 and death pursuant to other laws of this state and of the United States, excluding
7 pain and suffering, and the availability of funds appropriated for the purpose of
8 sections 595.010 to 595.075. All decisions of the department of public safety on
9 claims pursuant to sections 595.010 to 595.075 shall be in writing, setting forth
10 the name of the claimant, the amount of compensation and the reasons for the

11 decision. [The department of public safety shall immediately notify the claimant
12 in writing of the decision and shall forward to the state treasurer a certified copy
13 of the decision and a warrant for the amount of the claim. The state treasurer,
14 upon certification by the commissioner of administration, shall, if there are
15 sufficient funds in the crime victims' compensation fund, pay to or on behalf of
16 the claimant the amount determined by the department.]

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

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

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

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

30 3. In determining the amount of compensation payable, the department
31 of public safety shall determine whether, because of the victim's consent,
32 provocation, incitement or negligence, the victim contributed to the infliction of
33 the victim's injury or death, and shall reduce the amount of the compensation or
34 deny the claim altogether, in accordance with such determination; provided,
35 however, that the department of public safety may disregard the responsibility
36 of the victim for his or her own injury where such responsibility was attributable
37 to efforts by the victim to aid a victim, or to prevent a crime or an attempted
38 crime from occurring in his or her presence, or to apprehend a person who had
39 committed a crime in his or her presence or had in fact committed a felony.

40 4. In determining the amount of compensation payable pursuant to
41 sections 595.010 to 595.075, monthly Social Security disability or retirement
42 benefits received by the victim shall not be considered by the department as a
43 factor for reduction of benefits.

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

595.055. [1. No public or private agency shall provide service to a victim
2 of crime pursuant to any contract made under section 595.050 unless the incident
3 is reported to an appropriate law enforcement office within forty-eight hours after
4 its occurrence or within forty-eight hours after the victim of crime, a dependent,
5 or a member of the family of the victim reasonably could be expected to make
6 such a report.

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

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

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

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

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

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

9 The department shall establish maximum reimbursement rates for charges
10 submitted under this section, which shall reflect the reasonable cost of providing
11 the forensic exam.

12 2. A minor may consent to examination under this section. Such consent
13 is not subject to disaffirmance because of minority, and consent of parent or
14 guardian of the minor is not required for such examination. The appropriate
15 medical provider making the examination shall give written notice to the parent
16 or guardian of a minor that such an examination has taken place.

17 3. The attorney general, with the advice of the department of public
18 safety, shall develop the forms and procedures for gathering, **transmitting, and**
19 **storing** evidence during **and after** the forensic examination under the provisions
20 of this section. The department of health and senior services shall develop a
21 checklist, protocols, and procedures for appropriate medical providers to refer to

22 while providing medical treatment to victims of a sexual offense, including those
23 specific to victims who are minors. **The procedures for transmitting and**
24 **storing evidence shall include the following requirements:**

25 **(1) A law enforcement agency that receives notice that forensic**
26 **examination evidence has been released to that law enforcement**
27 **agency shall take possession of the evidence, including anonymously**
28 **reported evidence, from the medical provider within fourteen days**
29 **after receiving that notice. The law enforcement agency shall submit**
30 **that evidence for analysis within fourteen days after the agency takes**
31 **possession of that evidence under this section;**

32 **(2) The Missouri state highway patrol shall take possession of**
33 **unreported forensic examination evidence from the medical provider**
34 **after receiving notice and shall secure such evidence for a period of**
35 **five years; and**

36 **(3) A law enforcement agency shall secure forensic examination**
37 **evidence for a period of thirty years if the offense or act remains**
38 **unsolved.**

39 4. Evidentiary collection kits shall be developed and made available,
40 subject to appropriation, to appropriate medical providers by the highway patrol
41 or its designees and eligible crime laboratories. Such kits shall be distributed
42 with the forms and procedures for gathering evidence during forensic
43 examinations of victims of a sexual offense to appropriate medical providers upon
44 request of the provider, in the amount requested, and at no charge to the medical
45 provider. All appropriate medical providers shall, with the written consent of the
46 victim, perform a forensic examination using the evidentiary collection kit, or
47 other collection procedures developed for victims who are minors, and forms and
48 procedures for gathering evidence following the checklist for any person
49 presenting as a victim of a sexual offense.

50 5. In reviewing claims submitted under this section, the department shall
51 first determine if the claim was submitted within ninety days of the examination.
52 If the claim is submitted within ninety days, the department shall, at a
53 minimum, use the following criteria in reviewing the claim: examination charges
54 submitted shall be itemized and fall within the definition of forensic examination
55 as defined in subdivision (3) of subsection 8 of this section.

56 6. All appropriate medical provider charges for eligible forensic
57 examinations shall be billed to and paid by the department of public safety. No

58 appropriate medical provider conducting forensic examinations and providing
59 medical treatment to victims of sexual offenses shall charge the victim for the
60 forensic examination. For appropriate medical provider charges related to the
61 medical treatment of victims of sexual offenses, if the victim is an eligible
62 claimant under the crime victims' compensation fund, the victim shall seek
63 compensation under sections 595.010 to 595.075.

64 7. The department of public safety shall establish rules regarding the
65 reimbursement of the costs of forensic examinations for children under fourteen
66 years of age, including establishing conditions and definitions for emergency and
67 nonemergency forensic examinations and may by rule establish additional
68 qualifications for appropriate medical providers performing nonemergency
69 forensic examinations for children under fourteen years of age. The department
70 shall provide reimbursement regardless of whether or not the findings indicate
71 that the child was abused.

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

73 (1) "Appropriate medical provider":

74 (a) Any licensed nurse, physician, or physician assistant, and any
75 institution employing licensed nurses, physicians, or physician assistants,
76 provided that such licensed professionals are the only persons at such institution
77 to perform tasks under the provisions of this section; or

78 (b) For the purposes of any nonemergency forensic examination of a child
79 under fourteen years of age, the department of public safety may establish
80 additional qualifications for any provider listed in paragraph (a) of this
81 subdivision under rules authorized under subsection 7 of this section;

82 (2) "Emergency forensic examination", an examination of a person under
83 fourteen years of age that occurs within five days of the alleged sexual
84 offense. The department of public safety may further define the term emergency
85 forensic examination by rule;

86 (3) "Evidentiary collection kit", a kit used during a forensic examination
87 that includes materials necessary for appropriate medical providers to gather
88 evidence in accordance with the forms and procedures developed by the attorney
89 general for forensic examinations;

90 (4) "Forensic examination", an examination performed by an appropriate
91 medical provider on a victim of an alleged sexual offense to gather evidence for
92 the evidentiary collection kit or using other collection procedures developed for
93 victims who are minors;

94 (5) "Medical treatment", the treatment of all injuries and health concerns
95 resulting directly from a patient's sexual assault or victimization;

96 (6) "Nonemergency forensic examination", an examination of a person
97 under fourteen years of age that occurs more than five days after the alleged
98 sexual offense. The department of public safety may further define the term
99 nonemergency forensic examination by rule.

100 9. The department shall have authority to promulgate rules and
101 regulations necessary to implement the provisions of this section. Any rule or
102 portion of a rule, as that term is defined in section 536.010, that is created under
103 the authority delegated in this section shall become effective only if it complies
104 with and is subject to all of the provisions of chapter 536 and, if applicable,
105 section 536.028. This section and chapter 536 are nonseverable and if any of the
106 powers vested with the general assembly pursuant to chapter 536 to review, to
107 delay the effective date, or to disapprove and annul a rule are subsequently held
108 unconstitutional, then the grant of rulemaking authority and any rule proposed
109 or adopted after August 28, 2009, shall be invalid and void.

**610.250. Notwithstanding any other provisions of law to the
2 contrary, law enforcement agency records may be released for the
3 purpose of care coordination to any covered entity, as defined in the
4 Health Insurance Portability and Accountability Act of 1996 as
5 amended, that is providing or may provide services to any individuals
6 if the release of such information is necessary for the preservation of
7 health and safety of any individual or for public health and welfare.**

**650.035. 1. There is hereby created the "Missouri Law
2 Enforcement Assistance Program" within the department of public
3 safety.**

**4 2. The purpose of this program is to provide state financial and
5 technical assistance to create or improve local law enforcement pilot
6 programs that may include:**

**7 (1) Reimbursement for overtime required to enhance specialized,
8 non-routine training opportunities;**

9 (2) Analytical capacity for targeting enforcement efforts; and

**10 (3) Community policing efforts derived from research-based
11 models.**

**12 3. Distribution of state funds or technical assistance shall be by
13 contractual arrangement between the department and each recipient**

14 **law enforcement agency. Terms of the contract shall be negotiable**
15 **each year. The state auditor shall periodically audit all law**
16 **enforcement agencies receiving state funds.**

17 **4. Nothing in this section shall prohibit any law enforcement**
18 **agency from receiving federal or local funds should such funds become**
19 **available.**

20 **5. All law enforcement agencies, municipal and county, shall be**
21 **eligible to receive funding hereunder, according to standards adopted**
22 **by the department of public safety, unless otherwise restricted by**
23 **statute.**

24 **6. No state funds shall be expended unless appropriated by the**
25 **general assembly for this purpose.**

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

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

11 (2) Provide a mechanism to support, unify, promote,
12 implement, and evaluate crime prevention efforts;

13 (3) Act as an information clearinghouse for crime
14 prevention efforts;

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

20 (5) Provide ongoing, programmatic support to crime
21 prevention efforts of law enforcement and local crime prevention
22 organizations, enabling them to develop programs within their
23 jurisdiction or community;

24 (6) Assist law enforcement agencies and local crime

25 prevention organizations to increase the awareness of communities,
26 businesses, and governments regarding the need for crime
27 prevention while offering information on current and future
28 programming in their communities and in this state;

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

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

34 (9) Coordinate efforts with any statewide associations or
35 organizations which are also concerned with reducing crime,
36 violence, drug abuse, and delinquency and receive from such
37 associations or organizations advice and direction for the operation
38 of the center and related activities;

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

41 (a) Provide technical assistance in the form of resource
42 development and distribution, consultation, community resource
43 identification, utilization, training, and distribution, consultation,
44 community resource identification, utilization, training, and
45 promotion of crime prevention programs or activities;

46 (b) Provide assistance in increasing the knowledge of
47 community, business, and governmental leaders concerning the
48 theory and operation of crime prevention and how their
49 involvement will assist in efforts to prevent crime; and

50 (c) Provide resource materials to, and assistance in
51 developing the skills of, law enforcement personnel, which
52 materials and skills are necessary to create successful crime
53 prevention strategies which meet the needs of specific regions and
54 communities throughout the state.]

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