

SECOND REGULAR SESSION

SENATE BILL NO. 813

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 31, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4398S.02I

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to alternative sentencing.

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

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be known as section 217.779, to read as follows:

217.779. 1. For purposes of this section, the following terms mean:

(1) "Community-based sentencing", a criminal sentence other than incarceration that focuses on maintaining the family unit or support of dependent person or persons;

(2) "Dependent person", a person who is less than eighteen years of age or a person who is permanently disabled and unable to care for him or herself;

(3) "Nonviolent offense", offenses other than the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony,

22 575.210, 575.230 when punished as a class B felony, 575.240 when
23 punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078,
24 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B
25 felony;

26 (4) "Primary caretaker", a parent, adult child, or legal guardian
27 who, at the time of his or her arrest, had assumed responsibility and
28 was actively providing for the housing, health, safety, or economic
29 support of a dependent person.

30 2. (1) Prior to sentencing and by oral or written motion of either
31 party or the court, the court shall determine whether an offender is
32 eligible for a community-based sentence under this section. An
33 offender shall be eligible if:

34 (a) The offense was nonviolent;

35 (b) The offender is a primary caretaker of a dependent person;
36 and

37 (c) The offender did not commit an offense against the dependent
38 person.

39 (2) If the court determines that an offender who has pleaded
40 guilty to a nonviolent offense is a primary caretaker of a dependent
41 person, the court may impose an individually assessed, community-
42 based sentence, rather than incarceration, with the goal of
43 rehabilitation and family unity and support.

44 (3) Requirements for a community-based sentence shall include:

45 (a) That the primary caretaker is actively caring for the
46 dependent;

47 (b) That the court of the county of the violation or arrest shall
48 have original jurisdiction while the offender completes his or her
49 community-based sentence;

50 (c) That any sentence or treatment issued by the court shall
51 allow the offender to remain as close as possible to his or her
52 dependant; and

53 (d) That the offender complete a community corrections program
54 administered by the department of corrections or complete the terms
55 of the community-based sentence.

56 Conditions of the community-based sentence may include telephone
57 check-ins or face-to-face meetings with the department of corrections
58 personnel to evaluate the offender's compliance with conditions. If the

59 offender does not successfully complete the requirements of the
60 community-based sentence, the terms of the sentence shall be revoked
61 and the offender shall be remanded to a correctional facility.

62 (4) When determining conditions of a community-based sentence,
63 a judge shall consider the importance to the family of the offender
64 maintaining employment.

65 (5) The court may modify or revoke the community-based
66 sentence or the conditions of the sentence, including:

67 (a) Decreasing the duration of the sentence imposed;

68 (b) Requiring the offender to serve a term of confinement within
69 the range of the offense for which the offender was originally
70 convicted; or

71 (c) Requiring the offender to be subject to additional conditions
72 authorized by law for sentences of probation.

73 (6) The department of corrections shall report once per year to
74 the general assembly:

75 (a) The number of community-based sentences imposed;

76 (b) How many of the community-based sentences resulted in
77 revocation; and

78 (c) The reason for each revocation of a community-based
79 sentence.

80 (7) The department of social services shall report once per year
81 to the general assembly, the number of children entering foster care as
82 the result of the revocation of a community-based primary caretaker
83 sentence.

Copy ✓