

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 212  
AN ACT

To repeal sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 650.055, and 650.058, RSMo, and to enact in lieu thereof forty-three new sections relating to the department of corrections, with existing penalty provisions.

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

Section A. Sections 56.380, 56.455, 105.950, 149.071, 2 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 3 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 4 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 5 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 6 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 7 575.205, 575.206, 589.042, 650.055, and 650.058, RSMo, are 8 repealed and forty-three new sections enacted in lieu thereof, 9 to be known as sections 56.380, 56.455, 105.950, 149.071, 10 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 11 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 12 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 13 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 14 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 15 575.206, 589.042, 650.055, and 650.058, to read as follows:

56.380. It is unlawful for the circuit attorneys or 2 the assistant circuit attorneys of the courts of this state

3 having jurisdiction of criminals within cities in this state  
4 having a population of seven hundred thousand inhabitants or  
5 more to contract for, directly or indirectly, or to accept,  
6 receive or take any fee, reward, promise or undertaking, or  
7 gift or valuable thing of any kind whatsoever, except the  
8 salary of his or her office prescribed by law, for aiding,  
9 advising, promoting or procuring any indictment, true bill  
10 or legal process of any kind whatsoever against any person  
11 or party, or for aiding, promoting, counseling or procuring  
12 the detection, discovery, apprehension, prosecution or  
13 conviction of any person upon any charge whatsoever, or for  
14 aiding, advising or counseling of or concerning, or for  
15 procuring, promoting or effecting the discovery or recovery,  
16 by any means whatever, of any valuable thing which is  
17 secreted or detained from the possession of the owner or  
18 lawful custodian thereof. Any officer who is convicted of  
19 the violation of any of the provisions of this section shall  
20 be punished by imprisonment by the state department of  
21 corrections [and human resources] for not more than seven  
22 years and in addition shall forfeit his or her office.

56.455. In addition to his or her other duties, the  
2 circuit attorney of the City of St. Louis shall make a  
3 detailed report of all information in his or her possession  
4 pertaining to each person committed to the state  
5 penitentiary by the circuit court of the City of St. Louis  
6 to the director of the state department of corrections [and  
7 human resources] and to the state [board of probation and]  
8 parole board. The report shall include such information as  
9 may be requested by such director or board and shall include  
10 a summary of such evidence as to the prior convictions of  
11 the convict, his or her mental condition, education and  
12 other personal background information which is available to  
13 the circuit attorney as well as the date of the crime for

14 which the convict was sentenced, whether he or she was tried  
15 or pleaded guilty, and such facts as are available as to the  
16 aggravating or mitigating circumstances of the crime. The  
17 circuit attorney may include in the report his or her  
18 recommendation as to whether the convict should be kept in a  
19 maximum security institution. The report shall be  
20 transmitted within twenty days after the date of the  
21 conviction or at such other time as is prescribed by the  
22 director of the department of corrections [and human  
23 resources] or [board of probation and] parole board.

105.950. 1. Until June 30, 2000, the commissioner of  
2 administration and the directors of the departments of  
3 revenue, social services, agriculture, economic development,  
4 corrections, labor and industrial relations, natural  
5 resources, and public safety shall continue to receive the  
6 salaries they received on August 27, 1999, subject to annual  
7 adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the  
9 directors of the above departments shall be set by the  
10 governor within the limits of the salary ranges established  
11 pursuant to this section and the appropriation for that  
12 purpose. Salary ranges for department directors and members  
13 of the [board of probation and] parole board shall be set by  
14 the personnel advisory board after considering the results  
15 of a study periodically performed or administered by the  
16 office of administration. Such salary ranges shall be  
17 published yearly in an appendix to the revised statutes of  
18 Missouri.

3. Each of the above salaries shall be increased by  
20 any salary adjustment provided pursuant to the provisions of  
21 section 105.005.

149.071. Any person who shall, without the  
2 authorization of the director of revenue, make or

3 manufacture, or who shall falsely or fraudulently forge,  
4 counterfeit, reproduce, restore, or process any stamp,  
5 impression, copy, facsimile, or other evidence for the  
6 purpose of indicating the payment of the tax levied by this  
7 chapter, or who shall knowingly or by a deceptive act use or  
8 pass, or tender as true, or affix, impress, or imprint, by  
9 use of any device, rubber stamp or by any other means, or  
10 any package containing cigarettes, any unauthorized, false,  
11 altered, forged, counterfeit or previously used stamp,  
12 impressions, copies, facsimiles or other evidence of  
13 cigarette tax payment, shall be guilty of a felony and, upon  
14 conviction, shall be punished by imprisonment by the state  
15 department of corrections [and human resources] for a term  
16 of not less than two years nor more than five years.

149.076. 1. No manufacturer, wholesaler or retailer  
2 shall fail or refuse to make any return required by the  
3 director, or refuse to permit the director or his or her  
4 duly authorized representatives to examine records, papers,  
5 files and equipment pertaining to the person's business made  
6 taxable by this chapter. No person shall make an  
7 incomplete, false or fraudulent return under this chapter,  
8 or attempt to do anything to evade full disclosure of the  
9 facts or to avoid the payment in whole or in part of the tax  
10 or interest due.

2. Any person who files a false report or application  
12 or makes a false entry in any record relating to the  
13 purchase and sale of cigarettes shall be guilty of a felony  
14 and, upon conviction, shall be punished by imprisonment by  
15 the state department of corrections [and human resources]  
16 for a term of not less than two years nor more than five  
17 years.

214.392. 1. The division shall:

2           (1) Recommend prosecution for violations of the  
3 provisions of sections 214.270 to 214.410 to the appropriate  
4 prosecuting, circuit attorney or to the attorney general;

5           (2) Employ, within limits of the funds appropriated,  
6 such employees as are necessary to carry out the provisions  
7 of sections 214.270 to 214.410;

8           (3) Be allowed to convey full authority to each city  
9 or county governing body the use of inmates controlled by  
10 the department of corrections and the [board of probation  
11 and] parole board to care for abandoned cemeteries located  
12 within the boundaries of each city or county;

13           (4) Exercise all budgeting, purchasing, reporting and  
14 other related management functions;

15           (5) Be authorized, within the limits of the funds  
16 appropriated, to conduct investigations, examinations, or  
17 audits to determine compliance with sections 214.270 to  
18 214.410;

19           (6) The division may promulgate rules necessary to  
20 implement the provisions of sections 214.270 to 214.516,  
21 including but not limited to:

22           (a) Rules setting the amount of fees authorized  
23 pursuant to sections 214.270 to 214.516. The fees shall be  
24 set at a level to produce revenue that shall not  
25 substantially exceed the cost and expense of administering  
26 sections 214.270 to 214.516. All moneys received by the  
27 division pursuant to sections 214.270 to 214.516 shall be  
28 collected by the director who shall transmit such moneys to  
29 the department of revenue for deposit in the state treasury  
30 to the credit of the endowed care cemetery audit fund  
31 created in section 193.265;

32           (b) Rules to administer the inspection and audit  
33 provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the [board of probation and] parole board;

(3) "Chief administrative officer", the institutional head of any correctional facility or his or her designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his or her designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a

20 correctional center because the offender has been found to  
21 have committed a violation of a division or facility rule  
22 and other available means are inadequate to regulate the  
23 offender's behavior;

24 (8) "Division", a statutorily created agency within  
25 the department or an agency created by the departmental  
26 organizational plan;

27 (9) "Division director", the director of a division of  
28 the department or his or her designee;

29 (10) "Local volunteer community board", a board of  
30 qualified local community volunteers selected by the court  
31 for the purpose of working in partnership with the court and  
32 the department of corrections in a reparative probation  
33 program;

34 (11) "Nonviolent offender", any offender who is  
35 convicted of a crime other than murder in the first or  
36 second degree, involuntary manslaughter, involuntary  
37 manslaughter in the first or second degree, kidnapping,  
38 kidnapping in the first degree, rape in the first degree,  
39 forcible rape, sodomy in the first degree, forcible sodomy,  
40 robbery in the first degree or assault in the first degree;

41 (12) "Offender", a person under supervision or an  
42 inmate in the custody of the department;

43 (13) "Probation", a procedure under which a defendant  
44 found guilty of a crime upon verdict or plea is released by  
45 the court without imprisonment, subject to conditions  
46 imposed by the court and subject to the supervision of the  
47 [board] division of probation of parole;

48 (14) "Volunteer", any person who, of his or her own  
49 free will, performs any assigned duties for the department  
50 or its divisions with no monetary or material compensation.

217.030. The director shall appoint the directors of  
2 the divisions of the department[, except the chairman of the

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

217.250. Whenever any offender is afflicted with a  
2 disease which is terminal, or is advanced in age to the  
3 extent that the offender is in need of long-term nursing  
4 home care, or when confinement will necessarily greatly  
5 endanger or shorten the offender's life, the correctional  
6 center's physician shall certify such facts to the chief  
7 medical administrator, stating the nature of the disease.  
8 The chief medical administrator with the approval of the  
9 director will then forward the certificate to the [board of  
10 probation and] parole board who in their discretion may  
11 grant a medical parole or at their discretion may recommend  
12 to the governor the granting or denial of a commutation.

217.270. All correctional employees shall:

2 (1) Grant to members of the state [board of probation  
3 and] parole board or its properly accredited representatives  
4 access at all reasonable times to any offender;

5 (2) Furnish to the board the reports that the board  
6 requires concerning the conduct and character of any  
7 offender in their custody; and

8 (3) Furnish any other facts deemed pertinent by the  
9 board in the determination of whether an offender shall be  
10 paroled.



217.362. 1. The department of corrections shall  
2 design and implement an intensive long-term program for the  
3 treatment of chronic nonviolent offenders with serious  
4 substance abuse addictions who have not pleaded guilty to or  
5 been convicted of a dangerous felony as defined in section  
6 556.061.

7 2. Prior to sentencing, any judge considering an  
8 offender for this program shall notify the department. The  
9 potential candidate for the program shall be screened by the  
10 department to determine eligibility. The department shall,  
11 by regulation, establish eligibility criteria and inform the  
12 court of such criteria. The department shall notify the  
13 court as to the offender's eligibility and the availability  
14 of space in the program. Notwithstanding any other  
15 provision of law to the contrary, except as provided for in  
16 section 558.019, if an offender is eligible and there is  
17 adequate space, the court may sentence a person to the  
18 program which shall consist of institutional drug or alcohol  
19 treatment for a period of at least twelve and no more than  
20 twenty-four months, as well as a term of incarceration. The  
21 department shall determine the nature, intensity, duration,  
22 and completion criteria of the education, treatment, and  
23 aftercare portions of any program services provided.  
24 Execution of the offender's term of incarceration shall be  
25 suspended pending completion of said program. Allocation of  
26 space in the program may be distributed by the department in  
27 proportion to drug arrest patterns in the state. If the  
28 court is advised that an offender is not eligible or that  
29 there is no space available, the court shall consider other  
30 authorized dispositions.

31 3. Upon successful completion of the program, the  
32 [board] division of probation and parole shall advise the  
33 sentencing court of an offender's probationary release date

thirty days prior to release. If the court determines that probation is not appropriate the court may order the execution of the offender's sentence.

4. If it is determined by the department that the offender has not successfully completed the program, or that the offender is not cooperatively participating in the program, the offender shall be removed from the program and the court shall be advised. Failure of an offender to complete the program shall cause the offender to serve the sentence prescribed by the court and void the right to be considered for probation on this sentence.

5. An offender's first incarceration in a department of corrections program pursuant to this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term pursuant to the provisions of section 558.019.

217.364. 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program" means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision.

3. The following offenders may participate in the program as determined by the department:

17           (1) Any nonviolent offender who has not previously  
18 been remanded to the department and who has been found  
19 guilty of violating the provisions of chapter 195 or 579 or  
20 whose substance abuse was a precipitating or contributing  
21 factor in the commission of his or her offense; or

22           (2) Any nonviolent offender who has pled guilty or  
23 been found guilty of a crime which did not involve the use  
24 of a weapon, and who has not previously been remanded to the  
25 department.

26           4. This program shall be used as an intermediate  
27 sanction by the department. The program may include  
28 education, treatment and rehabilitation programs. If an  
29 offender successfully completes the institutional phase of  
30 the program, the department shall notify the [board of  
31 probation and] parole board within thirty days of  
32 completion. Upon notification from the department that the  
33 offender has successfully completed the program, the [board  
34 of probation and] parole board may at its discretion release  
35 the offender on parole as authorized in subsection 1 of  
36 section 217.690.

37           5. The availability of space in the institutional  
38 program shall be determined by the department of corrections.

39           6. If the offender fails to complete the program, the  
40 offender shall be taken out of the program and shall serve  
41 the remainder of his or her sentence with the department.

42           7. Time spent in the program shall count as time  
43 served on the sentence.

          217.455. The request provided for in section 217.450  
2 shall be delivered to the director, who shall forthwith:

3           (1) Certify the term of commitment under which the  
4 offender is being held, the time already served, the time  
5 remaining to be served on the sentence, the time of parole  
6 eligibility of the offender, and any decisions of the state

7 [board of probation and] parole board relating to the  
8 offender; and

9 (2) Send by registered or certified mail, return  
10 receipt requested, one copy of the request and certificate  
11 to the court and one copy to the prosecuting attorney to  
12 whom it is addressed.

217.541. 1. The department shall by rule establish a  
2 program of house arrest. The director or his or her  
3 designee may extend the limits of confinement of offenders  
4 serving sentences for class D or E felonies who have one  
5 year or less remaining prior to release on parole,  
6 conditional release, or discharge to participate in the  
7 house arrest program.

8 2. The offender referred to the house arrest program  
9 shall remain in the custody of the department and shall be  
10 subject to rules and regulations of the department  
11 pertaining to offenders of the department until released on  
12 parole or conditional release by the state [board of  
13 probation and] parole board.

14 3. The department shall require the offender to  
15 participate in work or educational or vocational programs  
16 and other activities that may be necessary to the  
17 supervision and treatment of the offender.

18 4. An offender released to house arrest shall be  
19 authorized to leave his or her place of residence only for  
20 the purpose and time necessary to participate in the program  
21 and activities authorized in subsection 3 of this section.

22 5. The [board] division of probation and parole shall  
23 supervise every offender released to the house arrest  
24 program and shall verify compliance with the requirements of  
25 this section and such other rules and regulations that the  
26 department shall promulgate and may do so by remote  
27 electronic surveillance. If any probation/parole officer

28 has probable cause to believe that an offender under house  
29 arrest has violated a condition of the house arrest  
30 agreement, the probation/parole officer may issue a warrant  
31 for the arrest of the offender. The probation/parole  
32 officer may effect the arrest or may deputize any officer  
33 with the power of arrest to do so by giving the officer a  
34 copy of the warrant which shall outline the circumstances of  
35 the alleged violation. The warrant delivered with the  
36 offender by the arresting officer to the official in charge  
37 of any jail or other detention facility to which the  
38 offender is brought shall be sufficient legal authority for  
39 detaining the offender. An offender arrested under this  
40 section shall remain in custody or incarcerated without  
41 consideration of bail. The director or his or her designee,  
42 upon recommendation of the probation and parole officer, may  
43 direct the return of any offender from house arrest to a  
44 correctional facility of the department for reclassification.

45 6. Each offender who is released to house arrest shall  
46 pay a percentage of his or her wages, established by  
47 department rules, to a maximum of the per capita cost of the  
48 house arrest program. The money received from the offender  
49 shall be deposited in the inmate fund and shall be expended  
50 to support the house arrest program.

217.650. As used in sections 217.650 to 217.810,  
2 unless the context clearly indicates otherwise, the  
3 following terms mean:

4 (1) ["Board", the state board of probation and parole;  
5 (2) "Chairman"] "Chairperson", [chairman] chairperson  
6 of the [board of probation and] parole board who shall be  
7 appointed by the governor;

8 [(3)] (2) "Diversionary program", a program designed  
9 to utilize alternatives to incarceration undertaken under  
10 the supervision of the [board] division of probation and

11 parole after commitment of an offense and prior to  
12 arraignment;

13        [(4)] (3) "Parole", the release of an offender to the  
14 community by the court or the state [board of probation and]  
15 parole board prior to the expiration of his term, subject to  
16 conditions imposed by the court or the parole board and to  
17 its supervision by the division of probation and parole;

18        (4) "Parole Board", the state board of parole;

19        (5) "Prerelease program", a program relating to an  
20 offender's preparation for, or orientation to, supervision  
21 by the [board] division of probation and parole immediately  
22 prior to or immediately after assignment of the offender to  
23 the [board] division of probation and parole for supervision;

24        (6) "Pretrial program", a program relating to the  
25 investigation or supervision of persons referred or assigned  
26 to the [board] division of probation and parole prior to  
27 their conviction;

28        (7) "Probation", a procedure under which a defendant  
29 found guilty of a crime upon verdict or plea is released by  
30 the court without imprisonment, subject to conditions  
31 imposed by the court and subject to the supervision of the  
32 [board] division of probation and parole;

33        (8) "Recognizance program", a program relating to the  
34 release of an individual from detention who is under arrest  
35 for an offense for which he or she may be released as  
36 provided in section 544.455.

217.655. 1. The parole board shall be responsible for  
2 determining whether a person confined in the department  
3 shall be paroled or released conditionally as provided by  
4 section 558.011. The parole board shall receive  
5 administrative support from the division of probation and  
6 parole. The division of probation and parole shall provide  
7 supervision to all persons referred by the circuit courts of

8 the state as provided by sections 217.750 and 217.760. The  
9 parole board shall exercise independence in making decisions  
10 about individual cases, but operate cooperatively within the  
11 department and with other agencies, officials, courts, and  
12 stakeholders to achieve systemic improvement including the  
13 requirements of this section.

14 2. The parole board shall adopt parole guidelines to:

- 15 (1) Preserve finite prison capacity for the most  
16 serious and violent offenders;
- 17 (2) Release supervision-manageable cases consistent  
18 with section 217.690;
- 19 (3) Use finite resources guided by validated risk and  
20 needs assessments;
- 21 (4) Support a seamless reentry process;
- 22 (5) Set appropriate conditions of supervision; and
- 23 (6) Develop effective strategies for responding to  
24 violation behaviors.

25 3. The parole board shall collect, analyze, and apply  
26 data in carrying out its responsibilities to achieve its  
27 mission and end goals. The parole board shall establish  
28 agency performance and outcome measures that are directly  
29 responsive to statutory responsibilities and consistent with  
30 agency goals for release decisions, supervision, revocation,  
31 recidivism, and caseloads.

32 4. The parole board shall publish parole data,  
33 including grant rates, revocation and recidivism rates,  
34 length of time served, and successful supervision  
35 completions, and other performance metrics.

36 5. The chairperson of the board shall employ such  
37 employees as necessary to carry out its responsibilities,  
38 serve as the appointing authority over such employees, and  
39 provide for appropriate training to members and staff,  
40 including communication skills.

41           6. The division of probation and parole shall provide  
42 such programs as necessary to carry out its responsibilities  
43 consistent with its goals and statutory obligations.

217.690. 1. All releases or paroles shall issue upon  
2 order of the parole board, duly adopted.

3           2. Before ordering the parole of any offender, the  
4 parole board shall conduct a validated risk and needs  
5 assessment and evaluate the case under the rules governing  
6 parole that are promulgated by the parole board. The parole  
7 board shall then have the offender appear before a hearing  
8 panel and shall conduct a personal interview with him or  
9 her, unless waived by the offender, or if the guidelines  
10 indicate the offender may be paroled without need for an  
11 interview. The guidelines and rules shall not allow for the  
12 waiver of a hearing if a victim requests a hearing. The  
13 appearance or presence may occur by means of a  
14 videoconference at the discretion of the parole board. A  
15 parole may be ordered for the best interest of society when  
16 there is a reasonable probability, based on the risk  
17 assessment and indicators of release readiness, that the  
18 person can be supervised under parole supervision and  
19 successfully reintegrated into the community, not as an  
20 award of clemency; it shall not be considered a reduction of  
21 sentence or a pardon. Every offender while on parole shall  
22 remain in the legal custody of the department but shall be  
23 subject to the orders of the parole board.

24           3. The division of probation and parole has  
25 discretionary authority to require the payment of a fee, not  
26 to exceed sixty dollars per month, from every offender  
27 placed under division supervision on probation, parole, or  
28 conditional release, to waive all or part of any fee, to  
29 sanction offenders for willful nonpayment of fees, and to  
30 contract with a private entity for fee collections



31 services. All fees collected shall be deposited in the  
32 inmate fund established in section 217.430. Fees collected  
33 may be used to pay the costs of contracted collections  
34 services. The fees collected may otherwise be used to  
35 provide community corrections and intervention services for  
36 offenders. Such services include substance abuse assessment  
37 and treatment, mental health assessment and treatment,  
38 electronic monitoring services, residential facilities  
39 services, employment placement services, and other offender  
40 community corrections or intervention services designated by  
41 the division of probation and parole to assist offenders to  
42 successfully complete probation, parole, or conditional  
43 release. The ~~board~~ division of probation and parole shall  
44 adopt rules not inconsistent with law, in accordance with  
45 section 217.040, with respect to sanctioning offenders and  
46 with respect to establishing, waiving, collecting, and using  
47 fees.

48 4. The parole board shall adopt rules not inconsistent  
49 with law, in accordance with section 217.040, with respect  
50 to the eligibility of offenders for parole, the conduct of  
51 parole hearings or conditions to be imposed upon paroled  
52 offenders. Whenever an order for parole is issued it shall  
53 recite the conditions of such parole.

54 5. When considering parole for an offender with  
55 consecutive sentences, the minimum term for eligibility for  
56 parole shall be calculated by adding the minimum terms for  
57 parole eligibility for each of the consecutive sentences,  
58 except the minimum term for parole eligibility shall not  
59 exceed the minimum term for parole eligibility for an  
60 ordinary life sentence.

61 6. Any offender under a sentence for first degree  
62 murder who has been denied release on parole after a parole  
63 hearing shall not be eligible for another parole hearing

64 until at least three years from the month of the parole  
65 denial; however, this subsection shall not prevent a release  
66 pursuant to subsection 4 of section 558.011.

67 7. A victim who has requested an opportunity to be  
68 heard shall receive notice that the parole board is  
69 conducting an assessment of the offender's risk and  
70 readiness for release and that the victim's input will be  
71 particularly helpful when it pertains to safety concerns and  
72 specific protective measures that may be beneficial to the  
73 victim should the offender be granted release.

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

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

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

82 (3) The victim or person representing the victim may  
83 call or write the parole board rather than attend the  
84 hearing;

85 (4) The victim or person representing the victim may  
86 have a personal meeting with a parole board member at the  
87 parole board's central office;

88 (5) The judge, prosecuting attorney or circuit  
89 attorney and a representative of the local law enforcement  
90 agency investigating the crime shall be allowed to attend  
91 the hearing or provide information to the hearing panel in  
92 regard to the parole consideration; and

93 (6) The parole board shall evaluate information listed  
94 in the juvenile sex offender registry pursuant to section  
95 211.425, provided the offender is between the ages of

seventeen and twenty-one, as it impacts the safety of the community.

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

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

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

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

13. Beginning January 1, 2001, the parole board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the parole board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the parole board that the offender

129 has actively participated in mandatory education programs or  
130 is academically unable to obtain a high school diploma or  
131 its equivalent.

132 14. Any rule or portion of a rule, as that term is  
133 defined in section 536.010, that is created under the  
134 authority delegated in this section shall become effective  
135 only if it complies with and is subject to all of the  
136 provisions of chapter 536 and, if applicable, section  
137 536.028. This section and chapter 536 are nonseverable and  
138 if any of the powers vested with the general assembly  
139 pursuant to chapter 536 to review, to delay the effective  
140 date, or to disapprove and annul a rule are subsequently  
141 held unconstitutional, then the grant of rulemaking  
142 authority and any rule proposed or adopted after August 28,  
143 2005, shall be invalid and void.

217.692. 1. Notwithstanding any other provision of  
2 law to the contrary, any offender incarcerated in a  
3 correctional institution serving any sentence of life with  
4 no parole for fifty years or life without parole, whose plea  
5 of guilt was entered or whose trial commenced prior to  
6 December 31, 1990, and who:

7 (1) Pleaded guilty to or was found guilty of a  
8 homicide of a spouse or domestic partner;

9 (2) Has no prior violent felony convictions;

10 (3) No longer has a cognizable legal claim or legal  
11 recourse; and

12 (4) Has a history of being a victim of continual and  
13 substantial physical or sexual domestic violence that was  
14 not presented as an affirmative defense at trial or  
15 sentencing and such history can be corroborated with  
16 evidence of facts or circumstances which existed at the time  
17 of the alleged physical or sexual domestic violence of the  
18 offender, including but not limited to witness statements,

hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the parole board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The [board of probation and] parole board shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the parole board's review, the parole board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the [parole board] division of probation and parole for an amount of time to be determined by the parole board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;
- (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (5) Any victim information outlined in subsection 8 of section 217.690 and section 595.209;
- (6) The offender's continued claim of innocence;
- (7) The age and maturity of the offender at the time of the parole board's decision;

52           (8) The age and maturity of the offender at the time  
53 of the crime and any contributing influence affecting the  
54 offender's judgment;

55           (9) The presence of a workable parole plan; and

56           (10) Community and family support.

57           5. Nothing in this section shall limit the review of  
58 any offender's case who is eligible for parole prior to  
59 fifteen years, nor shall it limit in any way the parole  
60 board's power to grant parole prior to fifteen years.

61           6. Nothing in this section shall limit the review of  
62 any offender's case who has applied for executive clemency,  
63 nor shall it limit in any way the governor's power to grant  
64 clemency.

65           7. It shall be the responsibility of the offender to  
66 petition the parole board for a hearing under this section.

67           8. A person commits the crime of perjury if he or she,  
68 with the purpose to deceive, knowingly makes a false witness  
69 statement to the parole board. Perjury under this section  
70 shall be a class D felony.

71           9. In cases where witness statements alleging physical  
72 or sexual domestic violence are in conflict as to whether  
73 such violence occurred or was continual and substantial in  
74 nature, the history of such alleged violence shall be  
75 established by other corroborative evidence in addition to  
76 witness statements, as provided by subsection 1 of this  
77 section. A contradictory statement of the victim shall not  
78 be deemed a conflicting statement for purposes of this  
79 section.

          217.695. 1. As used in this section, the following  
2 terms mean:

3           (1) "Chief law enforcement official", the county  
4 sheriff, chief of police or other public official

5 responsible for enforcement of criminal laws within a county  
6 or city not within a county;

7 (2) "County" includes a city not within a county;

8 (3) "Offender", a person in the custody of the  
9 department or under the supervision of the parole board.

10 2. Each offender to be released from custody of the  
11 department who will be under the supervision of the [board]  
12 division of probation and parole, except an offender  
13 transferred to another state pursuant to the interstate  
14 corrections compact, shall shortly before release be  
15 required to: complete a registration form indicating his or  
16 her intended address upon release, employer, parent's  
17 address, and such other information as may be required;  
18 submit to photographs; submit to fingerprints; or undergo  
19 other identification procedures including but not limited to  
20 hair samples or other identification indicia. All data and  
21 indicia of identification shall be compiled in duplicate,  
22 with one set to be retained by the department, and one set  
23 for the chief law enforcement official of the county of  
24 intended residence.

25 3. Any offender subject to the provisions of this  
26 section who changes his or her county of residence shall, in  
27 addition to notifying the [board] division of probation and  
28 parole, notify and register with the chief law enforcement  
29 official of the county of residence within seven days after  
30 he or she changes his or her residence to that county.

31 4. Failure by an offender to register with the chief  
32 law enforcement official upon a change in the county of his  
33 or her residence shall be cause for revocation of the parole  
34 of the person except for good cause shown.

35 5. The department, the [board] division of probation  
36 and parole, and the chief law enforcement official shall  
37 cause the information collected on the initial registration

38 and any subsequent changes in residence or registration to  
39 be recorded with the highway patrol criminal information  
40 system.

41 6. The director of the department of public safety  
42 shall design and distribute the registration forms required  
43 by this section and shall provide any administrative  
44 assistance needed to facilitate the provisions of this  
45 section.

217.710. 1. Probation and parole officers,  
2 supervisors and members of the [board of probation and]  
3 parole board, who are certified pursuant to the requirements  
4 of subsection 2 of this section shall have the authority to  
5 carry their firearms at all times. The department of  
6 corrections shall promulgate policies and operating  
7 regulations which govern the use of firearms by probation  
8 and parole officers, supervisors and members of the parole  
9 board when carrying out the provisions of sections 217.650  
10 to 217.810. Mere possession of a firearm shall not  
11 constitute an employment activity for the purpose of  
12 calculating compensatory time or overtime.

13 2. The department shall determine the content of the  
14 required firearms safety training and provide firearms  
15 certification and recertification training for probation and  
16 parole officers, supervisors and members of the [board of  
17 probation and] parole board. A minimum of sixteen hours of  
18 firearms safety training shall be required. In no event  
19 shall firearms certification or recertification training for  
20 probation and parole officers and supervisors exceed the  
21 training required for officers of the state highway patrol.

22 3. The department shall determine the type of firearm  
23 to be carried by the officers, supervisors and members of  
24 the [board of probation and] parole board.



25           4. Any officer, supervisor or member of the [board of  
26 probation and] parole board that chooses to carry a firearm  
27 in the performance of such officer's, supervisor's or  
28 member's duties shall purchase the firearm and holster.

29           5. The department shall furnish such ammunition as is  
30 necessary for the performance of the officer's, supervisor's  
31 and member's duties.

32           6. Any rule or portion of a rule, as that term is  
33 defined in section 536.010, that is promulgated under the  
34 authority of this chapter, shall become effective only if  
35 the agency has fully complied with all of the requirements  
36 of chapter 536 including but not limited to, section  
37 536.028, if applicable, after August 28, 1998. All  
38 rulemaking authority delegated prior to August 28, 1998, is  
39 of no force and effect and repealed as of August 28, 1998,  
40 however nothing in section 571.030 or this section shall be  
41 interpreted to repeal or affect the validity of any rule  
42 adopted and promulgated prior to August 28, 1998. If the  
43 provisions of section 536.028 apply, the provisions of this  
44 section are nonseverable and if any of the powers vested  
45 with the general assembly pursuant to section 536.028 to  
46 review, to delay the effective date, or to disapprove and  
47 annul a rule or portion of a rule are held unconstitutional  
48 or invalid, the purported grant of rulemaking authority and  
49 any rule so proposed and contained in the order of  
50 rulemaking shall be invalid and void, except that nothing in  
51 section 571.030 or this section shall affect the validity of  
52 any rule adopted and promulgated prior to August 28, 1998.

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

6           (1) Section 566.030, 566.032, 566.060, 566.062,  
7 566.067, 566.083, 566.100, 566.151, 566.212, 566.213,  
8 568.020, 568.080, or 568.090 based on an act committed on or  
9 after August 28, 2006; or

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

15           2. For the purpose of this section, a prior sex  
16 offender is a person who has previously pleaded guilty to or  
17 been found guilty of an offense contained in chapter 566 or  
18 violating section 568.020 when the person had sexual  
19 intercourse or deviate sexual intercourse with the victim,  
20 or violating subdivision (2) of subsection 1 of section  
21 568.045.

22           3. Subsection 1 of this section applies to offenders  
23 who have been granted probation, and to offenders who have  
24 been released on parole, conditional release, or upon  
25 serving their full sentence without early release.  
26 Supervision of an offender who was released after serving  
27 his or her full sentence will be considered as supervision  
28 on parole.

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

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

39           6. In accordance with section 217.040, the [board]  
40 division of probation and parole may adopt rules relating to  
41 supervision and electronic monitoring of offenders under  
42 this section.

          217.829. 1. The department shall develop a form which  
2 shall be used by the department to obtain information from  
3 all offenders regarding their assets.

4           2. The form shall be submitted to each offender as of  
5 the date the form is developed and to every offender who  
6 thereafter is sentenced to imprisonment under the  
7 jurisdiction of the department. The form may be resubmitted  
8 to an offender by the department for purposes of obtaining  
9 current information regarding assets of the offender.

10          3. Every offender shall complete the form or provide  
11 for completion of the form and the offender shall swear or  
12 affirm under oath that to the best of his or her knowledge  
13 the information provided is complete and accurate. Any  
14 person who shall knowingly provide false information on said  
15 form to state officials or employees shall be guilty of the  
16 crime of making a false affidavit as provided by section  
17 575.050.

18          4. Failure by an offender to fully, adequately and  
19 correctly complete the form may be considered by the [board  
20 of probation and] parole board for purposes of a parole  
21 determination, and in determining an offender's parole  
22 release date or eligibility and shall constitute sufficient  
23 grounds for denial of parole.

24          5. Prior to release of any offender from imprisonment,  
25 and again prior to release from the jurisdiction of the  
26 department, the department shall request from the offender  
27 an assignment of ten percent of any wages, salary, benefits  
28 or payments from any source. Such an assignment shall be  
29 valid for the longer period of five years from the date of

30 its execution, or five years from the date that the offender  
31 is released from the jurisdiction of the department or any  
32 of its divisions or agencies. The assignment shall secure  
33 payment of the total cost of care of the offender executing  
34 the assignment. The restrictions on the maximum amount of  
35 earnings subject to garnishment contained in section 525.030  
36 shall apply to earnings subject to assignments executed  
37 pursuant to this subsection.

549.500. All documents prepared or obtained in the  
2 discharge of official duties by any member or employee of  
3 the [board of probation and] parole board or employee of the  
4 division of probation and parole shall be privileged and  
5 shall not be disclosed directly or indirectly to anyone  
6 other than members of the parole board and other authorized  
7 employees of the department pursuant to section 217.075.  
8 The parole board may at its discretion permit the inspection  
9 of the report or parts thereof by the offender or his or her  
10 attorney or other persons having a proper interest therein.

557.051. 1. A person who has been found guilty of an  
2 offense under chapter 566, or any sex offense involving a  
3 child under chapter 568 or 573, and who is granted a  
4 suspended imposition or execution of sentence or placed  
5 under the supervision of the [board] division of probation  
6 and parole shall be required to participate in and  
7 successfully complete a program of treatment, education and  
8 rehabilitation designed for perpetrators of sexual  
9 offenses. Persons required to attend a program under this  
10 section shall be required to follow all directives of the  
11 treatment program provider, and may be charged a reasonable  
12 fee to cover the costs of such program.

2. A person who provides assessment services or who  
14 makes a report, finding, or recommendation for any offender  
15 to attend any counseling or program of treatment, education

16 or rehabilitation as a condition or requirement of probation  
17 following a finding of guilt for an offense under chapter  
18 566, or any sex offense involving a child under chapter 568  
19 or 573, shall not be related within the third degree of  
20 consanguinity or affinity to any person who has a financial  
21 interest, whether direct or indirect, in the counseling or  
22 program of treatment, education or rehabilitation or any  
23 financial interest, whether direct or indirect, in any  
24 private entity which provides the counseling or program of  
25 treatment, education or rehabilitation. A person who  
26 violates this subsection shall thereafter:

27 (1) Immediately remit to the state of Missouri any  
28 financial income gained as a direct or indirect result of  
29 the action constituting the violation;

30 (2) Be prohibited from providing assessment or  
31 counseling services or any program of treatment, education  
32 or rehabilitation to, for, on behalf of, at the direction  
33 of, or in contract with the [state board] division of  
34 probation and parole or any office thereof; and

35 (3) Be prohibited from having any financial interest,  
36 whether direct or indirect, in any private entity which  
37 provides assessment or counseling services or any program of  
38 treatment, education or rehabilitation to, for, on behalf  
39 of, at the direction of, or in contract with the [state  
40 board] division of probation and parole or any office  
41 thereof.

42 3. The provisions of subsection 2 of this section  
43 shall not apply when the department of corrections has  
44 identified only one qualified service provider within  
45 reasonably accessible distance from the offender or when the  
46 only providers available within a reasonable distance are  
47 related within the third degree of consanguinity or affinity

48 to any person who has a financial interest in the service  
49 provider.

558.011. 1. The authorized terms of imprisonment,  
2 including both prison and conditional release terms, are:

3 (1) For a class A felony, a term of years not less  
4 than ten years and not to exceed thirty years, or life  
5 imprisonment;

6 (2) For a class B felony, a term of years not less  
7 than five years and not to exceed fifteen years;

8 (3) For a class C felony, a term of years not less  
9 than three years and not to exceed ten years;

10 (4) For a class D felony, a term of years not to  
11 exceed seven years;

12 (5) For a class E felony, a term of years not to  
13 exceed four years;

14 (6) For a class A misdemeanor, a term not to exceed  
15 one year;

16 (7) For a class B misdemeanor, a term not to exceed  
17 six months;

18 (8) For a class C misdemeanor, a term not to exceed  
19 fifteen days.

20 2. In cases of class D and E felonies, the court shall  
21 have discretion to imprison for a special term not to exceed  
22 one year in the county jail or other authorized penal  
23 institution, and the place of confinement shall be fixed by  
24 the court. If the court imposes a sentence of imprisonment  
25 for a term longer than one year upon a person convicted of a  
26 class D or E felony, it shall commit the person to the  
27 custody of the department of corrections.

28 3. (1) When a regular sentence of imprisonment for a  
29 felony is imposed, the court shall commit the person to the  
30 custody of the department of corrections for the term

imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the [board of probation and] parole board pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the [board of probation and] parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the [state board] division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

64           5. The date of conditional release from the prison  
65 term may be extended up to a maximum of the entire sentence  
66 of imprisonment by the [board of probation and] parole  
67 board. The director of any division of the department of  
68 corrections except the [board] division of probation and  
69 parole may file with the [board of probation and] parole  
70 board a petition to extend the conditional release date when  
71 an offender fails to follow the rules and regulations of the  
72 division or commits an act in violation of such rules.  
73 Within ten working days of receipt of the petition to extend  
74 the conditional release date, the [board of probation and]  
75 parole board shall convene a hearing on the petition. The  
76 offender shall be present and may call witnesses in his or  
77 her behalf and cross-examine witnesses appearing against the  
78 offender. The hearing shall be conducted as provided in  
79 section 217.670. If the violation occurs in close proximity  
80 to the conditional release date, the conditional release may  
81 be held for a maximum of fifteen working days to permit  
82 necessary time for the division director to file a petition  
83 for an extension with the parole board and for the parole  
84 board to conduct a hearing, provided some affirmative  
85 manifestation of an intent to extend the conditional release  
86 has occurred prior to the conditional release date. If at  
87 the end of a fifteen-working-day period a parole board  
88 decision has not been reached, the offender shall be  
89 released conditionally. The decision of the parole board  
90 shall be final.

558.026. 1. Multiple sentences of imprisonment shall  
2 run concurrently unless the court specifies that they shall  
3 run consecutively; except in the case of multiple sentences  
4 of imprisonment imposed for any offense committed during or  
5 at the same time as, or multiple offenses of, the following  
6 felonies:



7           (1) Rape in the first degree, forcible rape, or rape;  
8           (2) Statutory rape in the first degree;  
9           (3) Sodomy in the first degree, forcible sodomy, or  
10 sodomy;  
11           (4) Statutory sodomy in the first degree; or  
12           (5) An attempt to commit any of the felonies listed in  
13 this subsection. In such case, the sentence of imprisonment  
14 imposed for any felony listed in this subsection or an  
15 attempt to commit any of the aforesaid shall run  
16 consecutively to the other sentences. The sentences imposed  
17 for any other offense may run concurrently.

18           2. If a person who is on probation, parole or  
19 conditional release is sentenced to a term of imprisonment  
20 for an offense committed after the granting of probation or  
21 parole or after the start of his or her conditional release  
22 term, the court shall direct the manner in which the  
23 sentence or sentences imposed by the court shall run with  
24 respect to any resulting probation, parole or conditional  
25 release revocation term or terms. If the subsequent  
26 sentence to imprisonment is in another jurisdiction, the  
27 court shall specify how any resulting probation, parole or  
28 conditional release revocation term or terms shall run with  
29 respect to the foreign sentence of imprisonment.

30           3. A court may cause any sentence it imposes to run  
31 concurrently with a sentence an individual is serving or is  
32 to serve in another state or in a federal correctional  
33 center. If the Missouri sentence is served in another state  
34 or in a federal correctional center, subsection 4 of section  
35 558.011 and section 217.690 shall apply as if the individual  
36 were serving his or her sentence within the department of  
37 corrections of the state of Missouri, except that a personal  
38 hearing before the [board of probation and] parole board  
39 shall not be required for parole consideration.

558.031. 1. A sentence of imprisonment shall commence  
when a person convicted of an offense in this state is  
received into the custody of the department of corrections  
or other place of confinement where the offender is  
sentenced. Such person shall receive credit toward the  
service of a sentence of imprisonment for all time in  
prison, jail or custody after the offense occurred and  
before the commencement of the sentence, when the time in  
custody was related to that offense, except:

(1) Such credit shall only be applied once when  
sentences are consecutive;

(2) Such credit shall only be applied if the person  
convicted was in custody in the state of Missouri, unless  
such custody was compelled exclusively by the state of  
Missouri's action; and

(3) As provided in section 559.100.

2. The officer required by law to deliver a person  
convicted of an offense in this state to the department of  
corrections shall endorse upon the papers required by  
section 217.305 both the dates the offender was in custody  
and the period of time to be credited toward the service of  
the sentence of imprisonment, except as endorsed by such  
officer.

3. If a person convicted of an offense escapes from  
custody, such escape shall interrupt the sentence. The  
interruption shall continue until such person is returned to  
the correctional center where the sentence was being served,  
or in the case of a person committed to the custody of the  
department of corrections, to any correctional center  
operated by the department of corrections. An escape shall  
also interrupt the jail time credit to be applied to a  
sentence which had not commenced when the escape occurred.

33           4. If a sentence of imprisonment is vacated and a new  
34 sentence imposed upon the offender for that offense, all  
35 time served under the vacated sentence shall be credited  
36 against the new sentence, unless the time has already been  
37 credited to another sentence as provided in subsection 1 of  
38 this section.

39           5. If a person released from imprisonment on parole or  
40 serving a conditional release term violates any of the  
41 conditions of his or her parole or release, he or she may be  
42 treated as a parole violator. If the [board of probation  
43 and] parole board revokes the parole or conditional release,  
44 the paroled person shall serve the remainder of the prison  
45 term and conditional release term, as an additional prison  
46 term, and the conditionally released person shall serve the  
47 remainder of the conditional release term as a prison term,  
48 unless released on parole.

          558.046. The sentencing court may, upon petition,  
2 reduce any term of sentence or probation pronounced by the  
3 court or a term of conditional release or parole pronounced  
4 by the [state board of probation and] parole board if the  
5 court determines that:

6           (1) The convicted person was:

7           (a) Convicted of an offense that did not involve  
8 violence or the threat of violence; and

9           (b) Convicted of an offense that involved alcohol or  
10 illegal drugs; and

11          (2) Since the commission of such offense, the  
12 convicted person has successfully completed a detoxification  
13 and rehabilitation program; and

14          (3) The convicted person is not:

15          (a) A prior offender, a persistent offender, a  
16 dangerous offender or a persistent misdemeanor offender as  
17 defined by section 558.016; or

(b) A persistent sexual offender as defined in section 566.125; or

(c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.

559.026. Except in infraction cases, when probation is granted, the court, in addition to conditions imposed pursuant to section 559.021, may require as a condition of probation that the offender submit to a period of detention up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, or the [board] division of probation and parole shall direct. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, even though he or she was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558.

(2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

559.105. 1. Any person who has been found guilty of  
or has pled guilty to an offense may be ordered by the court  
to make restitution to the victim for the victim's losses  
due to such offense. Restitution pursuant to this section  
shall include, but not be limited to a victim's reasonable  
expenses to participate in the prosecution of the crime.

2. No person ordered by the court to pay restitution  
pursuant to this section shall be released from probation  
until such restitution is complete. If full restitution is  
not made within the original term of probation, the court  
shall order the maximum term of probation allowed for such  
offense.

3. Any person eligible to be released on parole shall  
be required, as a condition of parole, to make restitution  
pursuant to this section. The [board of probation and]  
parole board shall not release any person from any term of  
parole for such offense until the person has completed such  
restitution, or until the maximum term of parole for such  
offense has been served.

4. The court may set an amount of restitution to be  
paid by the defendant. Said amount may be taken from the  
inmate's account at the department of corrections while the  
defendant is incarcerated. Upon conditional release or  
parole, if any amount of such court-ordered restitution is  
unpaid, the payment of the unpaid balance may be collected  
as a condition of conditional release or parole by the  
prosecuting attorney or circuit attorney under section  
559.100. The prosecuting attorney or circuit attorney may  
refer any failure to make such restitution as a condition of  
conditional release or parole to the parole board for  
enforcement.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, [566.212, 566.213] 566.210, 566.211, 568.020, [568.080, or 568.090] 573.200, or 573.205, based on an act committed on or after August 28, 2006; or

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

the court shall order that the offender be supervised by the [board] division of probation and parole for the duration of his or her natural life.

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

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be  
2 granted by the circuit court between the time the transcript  
3 on appeal from the offender's conviction has been filed in  
4 appellate court and the disposition of the appeal by such  
5 court.

6 2. Unless otherwise prohibited by subsection 8 of this  
7 section, a circuit court only upon its own motion and not  
8 that of the state or the offender shall have the power to  
9 grant probation to an offender anytime up to one hundred  
10 twenty days after such offender has been delivered to the  
11 department of corrections but not thereafter. The court may  
12 request information and a recommendation from the department  
13 concerning the offender and such offender's behavior during  
14 the period of incarceration. Except as provided in this  
15 section, the court may place the offender on probation in a  
16 program created pursuant to section 217.777, or may place  
17 the offender on probation with any other conditions  
18 authorized by law.

19 3. The court may recommend placement of an offender in  
20 a department of corrections one hundred twenty-day program  
21 under this subsection or order such placement under  
22 subsection 4 of section 559.036. Upon the recommendation or  
23 order of the court, the department of corrections shall  
24 assess each offender to determine the appropriate one  
25 hundred twenty-day program in which to place the offender,  
26 which may include placement in the shock incarceration  
27 program or institutional treatment program. When the court  
28 recommends and receives placement of an offender in a  
29 department of corrections one hundred twenty-day program,  
30 the offender shall be released on probation if the  
31 department of corrections determines that the offender has  
32 successfully completed the program except as follows. Upon  
33 successful completion of a program under this subsection,

34 the [board] division of probation and parole shall advise  
35 the sentencing court of an offender's probationary release  
36 date thirty days prior to release. The court shall follow  
37 the recommendation of the department unless the court  
38 determines that probation is not appropriate. If the court  
39 determines that probation is not appropriate, the court may  
40 order the execution of the offender's sentence only after  
41 conducting a hearing on the matter within ninety to one  
42 hundred twenty days from the date the offender was delivered  
43 to the department of corrections. If the department  
44 determines the offender has not successfully completed a one  
45 hundred twenty-day program under this subsection, the  
46 offender shall be removed from the program and the court  
47 shall be advised of the removal. The department shall  
48 report on the offender's participation in the program and  
49 may provide recommendations for terms and conditions of an  
50 offender's probation. The court shall then have the power  
51 to grant probation or order the execution of the offender's  
52 sentence.

53 4. If the court is advised that an offender is not  
54 eligible for placement in a one hundred twenty-day program  
55 under subsection 3 of this section, the court shall consider  
56 other authorized dispositions. If the department of  
57 corrections one hundred twenty-day program under subsection  
58 3 of this section is full, the court may place the offender  
59 in a private program approved by the department of  
60 corrections or the court, the expenses of such program to be  
61 paid by the offender, or in an available program offered by  
62 another organization. If the offender is convicted of a  
63 class C, class D, or class E nonviolent felony, the court  
64 may order probation while awaiting appointment to treatment.

65 5. Except when the offender has been found to be a  
66 predatory sexual offender pursuant to section 566.125, the



67 court shall request the department of corrections to conduct  
68 a sexual offender assessment if the defendant has been found  
69 guilty of sexual abuse when classified as a class B felony.  
70 Upon completion of the assessment, the department shall  
71 provide to the court a report on the offender and may  
72 provide recommendations for terms and conditions of an  
73 offender's probation. The assessment shall not be  
74 considered a one hundred twenty-day program as provided  
75 under subsection 3 of this section. The process for  
76 granting probation to an offender who has completed the  
77 assessment shall be as provided under subsections 2 and 6 of  
78 this section.

79 6. Unless the offender is being granted probation  
80 pursuant to successful completion of a one hundred twenty-  
81 day program the circuit court shall notify the state in  
82 writing when the court intends to grant probation to the  
83 offender pursuant to the provisions of this section. The  
84 state may, in writing, request a hearing within ten days of  
85 receipt of the court's notification that the court intends  
86 to grant probation. Upon the state's request for a hearing,  
87 the court shall grant a hearing as soon as reasonably  
88 possible. If the state does not respond to the court's  
89 notice in writing within ten days, the court may proceed  
90 upon its own motion to grant probation.

91 7. An offender's first incarceration under this  
92 section prior to release on probation shall not be  
93 considered a previous prison commitment for the purpose of  
94 determining a minimum prison term under the provisions of  
95 section 558.019.

96 8. Notwithstanding any other provision of law,  
97 probation may not be granted pursuant to this section to  
98 offenders who have been convicted of murder in the second  
99 degree pursuant to section 565.021; forcible rape pursuant

100 to section 566.030 as it existed prior to August 28, 2013;  
101 rape in the first degree under section 566.030; forcible  
102 sodomy pursuant to section 566.060 as it existed prior to  
103 August 28, 2013; sodomy in the first degree under section  
104 566.060; statutory rape in the first degree pursuant to  
105 section 566.032; statutory sodomy in the first degree  
106 pursuant to section 566.062; child molestation in the first  
107 degree pursuant to section 566.067 when classified as a  
108 class A felony; abuse of a child pursuant to section 568.060  
109 when classified as a class A felony; or an offender who has  
110 been found to be a predatory sexual offender pursuant to  
111 section 566.125; or any offense in which there exists a  
112 statutory prohibition against either probation or parole.

559.125. 1. The clerk of the court shall keep in a  
2 permanent file all applications for probation or parole by  
3 the court, and shall keep in such manner as may be  
4 prescribed by the court complete and full records of all  
5 presentence investigations requested, probations or paroles  
6 granted, revoked or terminated and all discharges from  
7 probations or paroles. All court orders relating to any  
8 presentence investigation requested and probation or parole  
9 granted under the provisions of this chapter and sections  
10 558.011 and 558.026 shall be kept in a like manner, and, if  
11 the defendant subject to any such order is subject to an  
12 investigation or is under the supervision of the [state  
13 board] division of probation and parole, a copy of the order  
14 shall be sent to the [board] division of probation and  
15 parole. In any county where a parole board ceases to exist,  
16 the clerk of the court shall preserve the records of that  
17 parole board.

18 2. Information and data obtained by a probation or  
19 parole officer shall be privileged information and shall not  
20 be receivable in any court. Such information shall not be

disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

559.600. 1. In cases where the [board of probation and parole] division of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the [board] division of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

19           2. In all cases, the entity providing such private  
20 probation service shall utilize the cutoff concentrations  
21 utilized by the department of corrections with regard to  
22 drug and alcohol screening for clients assigned to such  
23 entity. A drug test is positive if drug presence is at or  
24 above the cutoff concentration or negative if no drug is  
25 detected or if drug presence is below the cutoff  
26 concentration.

27           3. In all cases, the entity providing such private  
28 probation service shall not require the clients assigned to  
29 such entity to travel in excess of fifty miles in order to  
30 attend their regular probation meetings.

          559.602. A private entity seeking to provide probation  
2 supervision and rehabilitation services to misdemeanor  
3 offenders shall make timely written application to the  
4 judges in a circuit. When approved by the judges of a  
5 circuit, the application, the judicial order of approval and  
6 the contract shall be forwarded to the [board] division of  
7 probation and parole. The contract shall contain the  
8 responsibilities of the private entity, including the  
9 offenses for which persons will be supervised. The [board]  
10 division may then withdraw supervision of misdemeanor  
11 offenders which are to be supervised by the court-approved  
12 private entity in that circuit.

          559.607. 1. Judges of the municipal division in any  
2 circuit, acting through a chief or presiding judge, either  
3 may contract with a private or public entity or may employ  
4 any qualified person to serve as the city's probation  
5 officer to provide probation and rehabilitation services for  
6 persons placed on probation for violation of any ordinance  
7 of the city, specifically including the offense of operating  
8 or being in physical control of a motor vehicle while under  
9 the influence of intoxicating liquor or narcotic drugs. The

10 contracting city shall not be required to pay for any part  
11 of the cost of probation and rehabilitation services  
12 authorized under sections 559.600 to 559.615. Persons found  
13 guilty or pleading guilty to ordinance violations and placed  
14 on probation by municipal or city court judges shall  
15 contribute a service fee to the court in the amount set  
16 forth in section 559.604 to pay the cost of their probation  
17 supervision provided by a probation officer employed by the  
18 court or by a contract probation officer as provided for in  
19 section 559.604.

20 2. When approved by municipal court judges in the  
21 municipal division, the application, judicial order of  
22 approval, and the contract shall be forwarded to and filed  
23 with the [board] division of probation and parole. The  
24 court-approved private or public entity or probation officer  
25 employed by the court shall then function as the probation  
26 office for the city, pursuant to the terms of the contract  
27 or conditions of employment and the terms of probation  
28 ordered by the judge. Any city in this state which  
29 presently does not have probation services available for  
30 persons convicted of its ordinance violations, or that  
31 contracts out those services with a private entity, may,  
32 under the procedures authorized in sections 559.600 to  
33 559.615, contract with and continue to contract with a  
34 private entity or employ any qualified person and contract  
35 with the municipal division to provide such probation  
36 supervision and rehabilitation services.

566.145. 1. A person commits the offense of sexual  
2 conduct with a prisoner or offender if he or she:

3 (1) Is an employee of, or assigned to work in, any  
4 jail, prison or correctional facility and engages in sexual  
5 conduct with a prisoner or an offender who is confined in a  
6 jail, prison, or correctional facility; or

7           (2) Is a probation and parole officer and engages in  
8 sexual conduct with an offender who is under the direct  
9 supervision of the officer.

10          2. For the purposes of this section the following  
11 terms shall mean:

12           (1) "Offender", includes any person in the custody of  
13 a prison or correctional facility and any person who is  
14 under the supervision of the [state board] division of  
15 probation and parole;

16           (2) "Prisoner", includes any person who is in the  
17 custody of a jail, whether pretrial or after disposition of  
18 a charge.

19          3. The offense of sexual conduct with a prisoner or  
20 offender is a class E felony.

21          4. Consent of a prisoner or offender is not a defense.

571.030. 1. A person commits the offense of unlawful  
2 use of weapons, except as otherwise provided by sections  
3 571.101 to 571.121, if he or she knowingly:

4           (1) Carries concealed upon or about his or her person  
5 a knife, a firearm, a blackjack or any other weapon readily  
6 capable of lethal use into any area where firearms are  
7 restricted under section 571.107; or

8           (2) Sets a spring gun; or

9           (3) Discharges or shoots a firearm into a dwelling  
10 house, a railroad train, boat, aircraft, or motor vehicle as  
11 defined in section 302.010, or any building or structure  
12 used for the assembling of people; or

13           (4) Exhibits, in the presence of one or more persons,  
14 any weapon readily capable of lethal use in an angry or  
15 threatening manner; or

16           (5) Has a firearm or projectile weapon readily capable  
17 of lethal use on his or her person, while he or she is  
18 intoxicated, and handles or otherwise uses such firearm or

projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3),

(4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck



officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the [board of probation and] parole board;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

118           3. Subdivisions (1), (5), (8), and (10) of subsection  
119 1 of this section do not apply when the actor is  
120 transporting such weapons in a nonfunctioning state or in an  
121 unloaded state when ammunition is not readily accessible or  
122 when such weapons are not readily accessible. Subdivision  
123 (1) of subsection 1 of this section does not apply to any  
124 person nineteen years of age or older or eighteen years of  
125 age or older and a member of the United States Armed Forces,  
126 or honorably discharged from the United States Armed Forces,  
127 transporting a concealable firearm in the passenger  
128 compartment of a motor vehicle, so long as such concealable  
129 firearm is otherwise lawfully possessed, nor when the actor  
130 is also in possession of an exposed firearm or projectile  
131 weapon for the lawful pursuit of game, or is in his or her  
132 dwelling unit or upon premises over which the actor has  
133 possession, authority or control, or is traveling in a  
134 continuous journey peaceably through this state.  
135 Subdivision (10) of subsection 1 of this section does not  
136 apply if the firearm is otherwise lawfully possessed by a  
137 person while traversing school premises for the purposes of  
138 transporting a student to or from school, or possessed by an  
139 adult for the purposes of facilitation of a school-  
140 sanctioned firearm-related event or club event.

141           4. Subdivisions (1), (8), and (10) of subsection 1 of  
142 this section shall not apply to any person who has a valid  
143 concealed carry permit issued pursuant to sections 571.101  
144 to 571.121, a valid concealed carry endorsement issued  
145 before August 28, 2013, or a valid permit or endorsement to  
146 carry concealed firearms issued by another state or  
147 political subdivision of another state.

148           5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and  
149 (10) of subsection 1 of this section shall not apply to

persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven

183 inches by fourteen inches with the writing thereon in  
184 letters of not less than one inch, in which case the  
185 penalties of subsection 2 of section 571.107 shall apply;

186 (3) Subdivision (5) or (10) of subsection 1 of this  
187 section shall be guilty of a class A misdemeanor if the  
188 firearm is unloaded and a class E felony if the firearm is  
189 loaded;

190 (4) Subdivision (9) of subsection 1 of this section  
191 shall be guilty of a class B felony, except that if the  
192 violation of subdivision (9) of subsection 1 of this section  
193 results in injury or death to another person, it is a class  
194 A felony.

195 9. Violations of subdivision (9) of subsection 1 of  
196 this section shall be punished as follows:

197 (1) For the first violation a person shall be  
198 sentenced to the maximum authorized term of imprisonment for  
199 a class B felony;

200 (2) For any violation by a prior offender as defined  
201 in section 558.016, a person shall be sentenced to the  
202 maximum authorized term of imprisonment for a class B felony  
203 without the possibility of parole, probation or conditional  
204 release for a term of ten years;

205 (3) For any violation by a persistent offender as  
206 defined in section 558.016, a person shall be sentenced to  
207 the maximum authorized term of imprisonment for a class B  
208 felony without the possibility of parole, probation, or  
209 conditional release;

210 (4) For any violation which results in injury or death  
211 to another person, a person shall be sentenced to an  
212 authorized disposition for a class A felony.

213 10. Any person knowingly aiding or abetting any other  
214 person in the violation of subdivision (9) of subsection 1

of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

248           13. The identification required by subdivision (1) of  
249 subsection 2 of this section is:

250           (1) A photographic identification issued by the agency  
251 from which the individual retired from service as a peace  
252 officer that indicates that the individual has, not less  
253 recently than one year before the date the individual is  
254 carrying the concealed firearm, been tested or otherwise  
255 found by the agency to meet the standards established by the  
256 agency for training and qualification for active peace  
257 officers to carry a firearm of the same type as the  
258 concealed firearm; or

259           (2) A photographic identification issued by the agency  
260 from which the individual retired from service as a peace  
261 officer; and

262           (3) A certification issued by the state in which the  
263 individual resides that indicates that the individual has,  
264 not less recently than one year before the date the  
265 individual is carrying the concealed firearm, been tested or  
266 otherwise found by the state to meet the standards  
267 established by the state for training and qualification for  
268 active peace officers to carry a firearm of the same type as  
269 the concealed firearm.

          575.205. 1. A person commits the offense of tampering  
2 with electronic monitoring equipment if he or she  
3 intentionally removes, alters, tampers with, damages, or  
4 destroys electronic monitoring equipment which a court, \_\_  
5 division of probation and parole or the [board of probation  
6 and] parole board has required such person to wear.

7           2. This section does not apply to the owner of the  
8 equipment or an agent of the owner who is performing  
9 ordinary maintenance or repairs on the equipment.

10           3. The offense of tampering with electronic monitoring  
11 equipment is a class D felony.

575.206. 1. A person commits the offense of violating  
2 a condition of lifetime supervision if he or she knowingly  
3 violates a condition of probation, parole, or conditional  
4 release when such condition was imposed by an order of a  
5 court under section 559.106 or an order of the [board of  
6 probation and] parole board under section 217.735.

7 2. The offense of violating a condition of lifetime  
8 supervision is a class D felony.

589.042. The court or the [board of probation and]  
2 parole board shall have the authority to require a person  
3 who is required to register as a sexual offender under  
4 sections 589.400 to 589.425 to give his or her assigned  
5 probation or parole officer access to his or her personal  
6 home computer as a condition of probation or parole in order  
7 to monitor and prevent such offender from obtaining and  
8 keeping child pornography or from committing an offense  
9 under chapter 566. Such access shall allow the probation or  
10 parole officer to view the internet use history, computer  
11 hardware, and computer software of any computer, including a  
12 laptop computer, that the offender owns.

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under  
3 chapter 566; or

4 (2) Is seventeen years of age or older and arrested  
5 for burglary in the first degree under section 569.160, or  
6 burglary in the second degree under section 569.170, or a  
7 felony offense under chapter 565, 566, 567, 568, or 573; or

8 (3) Has been determined to be a sexually violent  
9 predator pursuant to sections 632.480 to 632.513; or

10 (4) Is an individual required to register as a sexual  
11 offender under sections 589.400 to 589.425;

12           shall have a fingerprint and blood or scientifically  
13   accepted biological sample collected for purposes of DNA  
14   profiling analysis.

15           2. Any individual subject to DNA collection and  
16   profiling analysis under this section shall provide a DNA  
17   sample:

18           (1) Upon booking at a county jail or detention  
19   facility; or

20           (2) Upon entering or before release from the  
21   department of corrections reception and diagnostic centers;  
22   or

23           (3) Upon entering or before release from a county jail  
24   or detention facility, state correctional facility, or any  
25   other detention facility or institution, whether operated by  
26   a private, local, or state agency, or any mental health  
27   facility if committed as a sexually violent predator  
28   pursuant to sections 632.480 to 632.513; or

29           (4) When the state accepts a person from another state  
30   under any interstate compact, or under any other reciprocal  
31   agreement with any county, state, or federal agency, or any  
32   other provision of law, whether or not the person is  
33   confined or released, the acceptance is conditional on the  
34   person providing a DNA sample if the person was found guilty  
35   of a felony offense in any other jurisdiction; or

36           (5) If such individual is under the jurisdiction of  
37   the department of corrections. Such jurisdiction includes  
38   persons currently incarcerated, persons on probation, as  
39   defined in section 217.650, and on parole, as also defined  
40   in section 217.650; or

41           (6) At the time of registering as a sex offender under  
42   sections 589.400 to 589.425.

43           3. The Missouri state highway patrol and department of  
44   corrections shall be responsible for ensuring adherence to



45 the law. Any person required to provide a DNA sample  
46 pursuant to this section shall be required to provide such  
47 sample, without the right of refusal, at a collection site  
48 designated by the Missouri state highway patrol and the  
49 department of corrections. Authorized personnel collecting  
50 or assisting in the collection of samples shall not be  
51 liable in any civil or criminal action when the act is  
52 performed in a reasonable manner. Such force may be used as  
53 necessary to the effectual carrying out and application of  
54 such processes and operations. The enforcement of these  
55 provisions by the authorities in charge of state  
56 correctional institutions and others having custody or  
57 jurisdiction over individuals included in subsection 1 of  
58 this section which shall not be set aside or reversed is  
59 hereby made mandatory. The [board] division of probation or  
60 parole shall recommend that an individual on probation or  
61 parole who refuses to provide a DNA sample have his or her  
62 probation or parole revoked. In the event that a person's  
63 DNA sample is not adequate for any reason, the person shall  
64 provide another sample for analysis.

65 4. The procedure and rules for the collection,  
66 analysis, storage, expungement, use of DNA database records  
67 and privacy concerns shall not conflict with procedures and  
68 rules applicable to the Missouri DNA profiling system and  
69 the Federal Bureau of Investigation's DNA databank system.

70 5. Unauthorized use or dissemination of individually  
71 identifiable DNA information in a database for purposes  
72 other than criminal justice or law enforcement is a class A  
73 misdemeanor.

74 6. Implementation of sections 650.050 to 650.100 shall  
75 be subject to future appropriations to keep Missouri's DNA  
76 system compatible with the Federal Bureau of Investigation's  
77 DNA databank system.

78           7. All DNA records and biological materials retained  
79 in the DNA profiling system are considered closed records  
80 pursuant to chapter 610. All records containing any  
81 information held or maintained by any person or by any  
82 agency, department, or political subdivision of the state  
83 concerning an individual's DNA profile shall be strictly  
84 confidential and shall not be disclosed, except to:

85           (1) Peace officers, as defined in section 590.010, and  
86 other employees of law enforcement agencies who need to  
87 obtain such records to perform their public duties;

88           (2) The attorney general or any assistant attorneys  
89 general acting on his or her behalf, as defined in chapter  
90 27;

91           (3) Prosecuting attorneys or circuit attorneys as  
92 defined in chapter 56, and their employees who need to  
93 obtain such records to perform their public duties;

94           (4) The individual whose DNA sample has been  
95 collected, or his or her attorney; or

96           (5) Associate circuit judges, circuit judges, judges  
97 of the courts of appeals, supreme court judges, and their  
98 employees who need to obtain such records to perform their  
99 public duties.

100          8. Any person who obtains records pursuant to the  
101 provisions of this section shall use such records only for  
102 investigative and prosecutorial purposes, including but not  
103 limited to use at any criminal trial, hearing, or  
104 proceeding; or for law enforcement identification purposes,  
105 including identification of human remains. Such records  
106 shall be considered strictly confidential and shall only be  
107 released as authorized by this section.

108          9. (1) An individual may request expungement of his  
109 or her DNA sample and DNA profile through the court issuing  
110 the reversal or dismissal, or through the court granting an

expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040.

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and

143 DNA profile, or the basis for its determination that the  
144 person is otherwise obligated to submit a DNA sample.

145 (4) The Missouri state highway patrol is not required  
146 to destroy any item of physical evidence obtained from a DNA  
147 sample if evidence relating to another person would thereby  
148 be destroyed.

149 (5) Any identification, warrant, arrest, or  
150 evidentiary use of a DNA match derived from the database  
151 shall not be excluded or suppressed from evidence, nor shall  
152 any conviction be invalidated or reversed or plea set aside  
153 due to the failure to expunge or a delay in expunging DNA  
154 records.

155 10. When a DNA sample is taken from an individual  
156 pursuant to subdivision (2) of subsection 1 of this section  
157 and the prosecutor declines prosecution and notifies the  
158 arresting agency of that decision, the arresting agency  
159 shall notify the Missouri state highway patrol crime  
160 laboratory within ninety days of receiving such  
161 notification. Within thirty days of being notified by the  
162 arresting agency that the prosecutor has declined  
163 prosecution, the Missouri state highway patrol crime  
164 laboratory shall determine whether the individual has any  
165 other qualifying offenses or arrests that would require a  
166 DNA sample to be taken and retained. If the individual has  
167 no other qualifying offenses or arrests, the crime  
168 laboratory shall expunge all DNA records in the database  
169 taken at the arrest for which the prosecution was declined  
170 pertaining to the person and destroy the DNA sample of such  
171 person.

172 11. When a DNA sample is taken of an arrestee for any  
173 offense listed under subsection 1 of this section and  
174 charges are filed:

175           (1) If the charges are later withdrawn, the prosecutor  
176 shall notify the state highway patrol crime laboratory that  
177 such charges have been withdrawn;

178           (2) If the case is dismissed, the court shall notify  
179 the state highway patrol crime laboratory of such dismissal;

180           (3) If the court finds at the preliminary hearing that  
181 there is no probable cause that the defendant committed the  
182 offense, the court shall notify the state highway patrol  
183 crime laboratory of such finding;

184           (4) If the defendant is found not guilty, the court  
185 shall notify the state highway patrol crime laboratory of  
186 such verdict.

187 If the state highway patrol crime laboratory receives notice  
188 under this subsection, such crime laboratory shall  
189 determine, within thirty days, whether the individual has  
190 any other qualifying offenses or arrests that would require  
191 a DNA sample to be taken. If the individual has no other  
192 qualifying arrests or offenses, the crime laboratory shall  
193 expunge all DNA records in the database pertaining to such  
194 person and destroy the person's DNA sample.

          650.058. 1. Notwithstanding the sovereign immunity of  
2 the state, any individual who was found guilty of a felony  
3 in a Missouri court and was later determined to be actually  
4 innocent of such crime solely as a result of DNA profiling  
5 analysis may be paid restitution. The individual may  
6 receive an amount of one hundred dollars per day for each  
7 day of postconviction incarceration for the crime for which  
8 the individual is determined to be actually innocent. The  
9 petition for the payment of said restitution shall be filed  
10 with the sentencing court. For the purposes of this  
11 section, the term "actually innocent" shall mean:

12           (1) The individual was convicted of a felony for which  
13 a final order of release was entered by the court;

14           (2) All appeals of the order of release have been  
15 exhausted;

16           (3) The individual was not serving any term of a  
17 sentence for any other crime concurrently with the sentence  
18 for which he or she is determined to be actually innocent,  
19 unless such individual was serving another concurrent  
20 sentence because his or her parole was revoked by a court or  
21 the [board of probation and] parole board in connection with  
22 the crime for which the person has been exonerated.

23 Regardless of whether any other basis may exist for the  
24 revocation of the person's probation or parole at the time  
25 of conviction for the crime for which the person is later  
26 determined to be actually innocent, when the court's or the  
27 [board of probation and parole's] parole board's sole stated  
28 reason for the revocation in its order is the conviction for  
29 the crime for which the person is later determined to be  
30 actually innocent, such order shall, for purposes of this  
31 section only, be conclusive evidence that their probation or  
32 parole was revoked in connection with the crime for which  
33 the person has been exonerated; and

34           (4) Testing ordered under section 547.035, or testing  
35 by the order of any state or federal court, if such person  
36 was exonerated on or before August 28, 2004, or testing  
37 ordered under section 650.055, if such person was or is  
38 exonerated after August 28, 2004, demonstrates a person's  
39 innocence of the crime for which the person is in custody.

40 Any individual who receives restitution under this section  
41 shall be prohibited from seeking any civil redress from the  
42 state, its departments and agencies, or any employee  
43 thereof, or any political subdivision or its employees.  
44 This section shall not be construed as a waiver of sovereign  
45 immunity for any purposes other than the restitution  
46 provided for herein. The department of corrections shall

determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's

80 obligation to pay restitution under this section shall cease  
81 upon the individual's death. Any beneficiary designation  
82 that purports to bequeath, assign, or otherwise convey the  
83 right to receive such restitution shall be void and  
84 unenforceable.

85 4. An individual who is determined to be actually  
86 innocent of a crime under this chapter shall automatically  
87 be granted an order of expungement from the court in which  
88 he or she pled guilty or was sentenced to expunge from all  
89 official records all recordations of his or her arrest,  
90 plea, trial or conviction. Upon granting of the order of  
91 expungement, the records and files maintained in any  
92 administrative or court proceeding in an associate or  
93 circuit division of the court shall be confidential and only  
94 available to the parties or by order of the court for good  
95 cause shown. The effect of such order shall be to restore  
96 such person to the status he or she occupied prior to such  
97 arrest, plea or conviction and as if such event had never  
98 taken place. No person as to whom such order has been  
99 entered shall be held thereafter under any provision of any  
100 law to be guilty of perjury or otherwise giving a false  
101 statement by reason of his or her failure to recite or  
102 acknowledge such arrest, plea, trial, conviction or  
103 expungement in response to any inquiry made of him or her  
104 for any purpose whatsoever and no such inquiry shall be made  
105 for information relating to an expungement under this  
106 section.

2 [217.660. 1. The chairman of the board of  
3 probation and parole shall be the director of  
4 the division.

5 2. In addition to the compensation as a  
6 member of the board, any chairman whose term of  
7 office began before August 28, 1999, shall  
8 receive three thousand eight hundred seventy-  
five dollars per year for duties as chairman.]