

FIRST REGULAR SESSION

SENATE BILL NO. 212

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

0457S.01I

ADRIANE D. CROUSE, Secretary

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.

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8 repealed and forty-three new sections enacted in lieu thereof,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:

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

56.380. It is unlawful for the circuit attorneys or
the assistant circuit attorneys of the courts of this state
having jurisdiction of criminals within cities in this state
having a population of seven hundred thousand inhabitants or
more to contract for, directly or indirectly, or to accept,
receive or take any fee, reward, promise or undertaking, or
gift or valuable thing of any kind whatsoever, except the
salary of his office prescribed by law, for aiding,
advising, promoting or procuring any indictment, true bill
or legal process of any kind whatsoever against any person
or party, or for aiding, promoting, counseling or procuring
the detection, discovery, apprehension, prosecution or
conviction of any person upon any charge whatsoever, or for
aiding, advising or counseling of or concerning, or for
procuring, promoting or effecting the discovery or recovery,
by any means whatever, of any valuable thing which is
secreted or detained from the possession of the owner or
lawful custodian thereof. Any officer who is convicted of
the violation of any of the provisions of this section shall
be punished by imprisonment by the state department of
corrections [and human resources] for not more than seven
years and in addition shall forfeit his office.

56.455. In addition to his other duties, the circuit
attorney of the City of St. Louis shall make a detailed
report of all information in his possession pertaining to
each person committed to the state penitentiary by the
circuit court of the City of St. Louis to the director of
the state department of corrections [and human resources]
and to the state [board of probation and] parole **board**. The
report shall include such information as may be requested by
such director or board and shall include a summary of such
evidence as to the prior convictions of the convict, his

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

8 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.

19 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 duly
4 authorized representatives to examine records, papers, files
5 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.

11 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

the department of revenue for deposit in the state treasury to the credit of the endowed care cemetery audit fund created in section 193.265;

(b) Rules to administer the inspection and audit 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 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;

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

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

18 (7) "Disciplinary segregation", a cell for the
19 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 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

imposed by the court and subject to the supervision of the
[board] **division of probation of parole;**

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

217.030. The director shall appoint the directors of the divisions of the department[, except the chairman of the parole board who shall be appointed by the governor].

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

217.250. Whenever any offender is afflicted with a disease which is terminal, or is advanced in age to the extent that the offender is in need of long-term nursing home care, or when confinement will necessarily greatly endanger or shorten the offender's life, the correctional center's physician shall certify such facts to the chief medical administrator, stating the nature of the disease. The chief medical administrator with the approval of the director will then forward the certificate to the [board of probation and] parole **board** who in their discretion may grant a medical parole or at their discretion may recommend 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
34 thirty days prior to release. If the court determines that
35 probation is not appropriate the court may order the
36 execution of the offender's sentence.

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

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

217.364. 1. The department of corrections shall
2 establish by regulation the "Offenders Under Treatment
3 Program". The program shall include institutional placement
4 of certain offenders, as outlined in subsection 3 of this
5 section, under the supervision and control of the department
6 of corrections. The department shall establish rules

7 determining how, when and where an offender shall be
8 admitted into or removed from the program.

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

15 3. The following offenders may participate in the
16 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 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 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 designee may
3 extend the limits of confinement of offenders serving
4 sentences for class D or E felonies who have one year or
5 less remaining prior to release on parole, conditional
6 release, or discharge to participate in the house arrest
7 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 place of residence only for the
20 purpose and time necessary to participate in the program and
21 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 designee, upon
42 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 wages, established by department
47 rules, to a maximum of the per capita cost of the house

48 arrest program. The money received from the offender shall
49 be deposited in the inmate fund and shall be expended to
50 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**;

7 [(3)] (2) "Diversionary program", a program designed
8 to utilize alternatives to incarceration undertaken under
9 the supervision of the [board] **division of probation and**
10 **parole** after commitment of an offense and prior to
11 arraignment;

12 [(4)] (3) "Parole", the release of an offender to the
13 community by the court or the state [board of probation and]
14 parole **board** prior to the expiration of his term, subject to
15 conditions imposed by the court or the **parole** board and to
16 its supervision **by the division of probation and parole**;

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

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

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

27 (7) "Probation", a procedure under which a defendant
28 found guilty of a crime upon verdict or plea is released by
29 the court without imprisonment, subject to conditions

imposed by the court and subject to the supervision of the
[board] **division of probation and parole;**

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

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

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

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

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

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

(4) Support a seamless reentry process;

(5) Set appropriate conditions of supervision; and

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

3. The **parole** board shall collect, analyze, and apply
data in carrying out its responsibilities to achieve its

mission and end goals. The **parole** board shall establish agency performance and outcome measures that are directly responsive to statutory responsibilities and consistent with agency goals for release decisions, supervision, revocation, recidivism, and caseloads.

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

5. The **chairperson of the** board shall **employ, within limits of funds appropriated, such employees as necessary to carry out its responsibilities and** provide for appropriate training to members and staff, including communication skills.

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

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

2. Before ordering the parole of any offender, the **parole** board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the **parole** board. The **parole** board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the **parole** board. A parole may be ordered for the best interest of society when there is a reasonable

16 probability, based on the risk assessment and indicators of
17 release readiness, that the person can be supervised under
18 parole supervision and successfully reintegrated into the
19 community, not as an award of clemency; it shall not be
20 considered a reduction of sentence or a pardon. Every
21 offender while on parole shall remain in the legal custody
22 of the department but shall be subject to the orders of the
23 **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
96 seventeen and twenty-one, as it impacts the safety of the
97 community.

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

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

107 11. Special parole conditions shall be responsive to
108 the assessed risk and needs of the offender or the need for
109 extraordinary supervision, such as electronic monitoring.
110 The **parole** board shall adopt rules to minimize the
111 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 has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

14. 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, 2005, shall be invalid and void.

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

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

(2) Has no prior violent felony convictions;

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

(4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the 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.

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

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

- 38 (1) Length of time served;
39 (2) Prison record and self-rehabilitation efforts;
40 (3) Whether the history of the case included
41 corroborative material of physical, sexual, mental, or
42 emotional abuse of the offender, including but not limited
43 to witness statements, hospital records, social service
44 records, and law enforcement records;
45 (4) If an offer of a plea bargain was made and if so,
46 why the offender rejected or accepted the offer;
47 (5) Any victim information outlined in subsection 8 of
48 section 217.690 and section 595.209;
49 (6) The offender's continued claim of innocence;
50 (7) The age and maturity of the offender at the time
51 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

16 intended address upon release, employer, parent's address,
17 and such other information as may be required; submit to
18 photographs; submit to fingerprints; or undergo other
19 identification procedures including but not limited to hair
20 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 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 changes his 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 residence shall be cause for revocation of the parole of the
34 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

the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

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

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 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 old and the offender is a prior sex offender as 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
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.

13 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
31 imposed under section 557.036, or until released under
32 procedures established elsewhere by law.

33 (2) A sentence of imprisonment for a misdemeanor shall
34 be for a definite term and the court shall commit the person

35 to the county jail or other authorized penal institution for
36 the term of his or her sentence or until released under
37 procedure established elsewhere by law.

38 4. (1) Except as otherwise provided, a sentence of
39 imprisonment for a term of years for felonies other than
40 dangerous felonies as defined in section 556.061, and other
41 than sentences of imprisonment which involve the
42 individual's fourth or subsequent remand to the department
43 of corrections shall consist of a prison term and a
44 conditional release term. The conditional release term of
45 any term imposed under section 557.036 shall be:

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

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

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

53 (2) "Conditional release" means the conditional
54 discharge of an offender by the [board of probation and]
55 parole **board**, subject to conditions of release that the
56 **parole** board deems reasonable to assist the offender to lead
57 a law-abiding life, and subject to the supervision under the
58 [state board] **division** of probation and parole. The
59 conditions of release shall include avoidance by the
60 offender of any other offense, federal or state, and other
61 conditions that the **parole** board in its discretion deems
62 reasonably necessary to assist the releasee in avoiding
63 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 conditional release term,
22 the court shall direct the manner in which the sentence or
23 sentences imposed by the court shall run with respect to any
24 resulting probation, parole or conditional release
25 revocation term or terms. If the subsequent sentence to
26 imprisonment is in another jurisdiction, the court shall
27 specify how any resulting probation, parole or conditional
28 release revocation term or terms shall run with respect to
29 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 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

18 (b) A persistent sexual offender as defined in section
19 566.125; or

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

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

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

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

23 (3) If probation is revoked and a term of imprisonment
24 is served by reason thereof, the time spent in a jail, half-
25 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

30 conditional release or parole to the parole board for
31 enforcement.

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

4 (1) Section 566.030, 566.032, 566.060, 566.062,
5 566.067, 566.083, 566.100, 566.151, [566.212, 566.213]
6 **566.210, 566.211**, 568.020, [568.080, or 568.090] **573.200, or**
7 **573.205**, based on an act committed on or after August 28,
8 2006; or

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

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

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

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

29 4. In appropriate cases as determined by a risk
30 assessment, the court may terminate the probation of an
31 offender who is being supervised under this section when the
32 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

board] **division** of probation and parole, a copy of the order shall be sent to the [board] **division of probation and parole**. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that **parole** board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not 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

10 shall, pursuant to the terms of the contract, supervise
11 persons placed on probation by the judges for class A, B, C,
12 and D misdemeanor offenses, specifically including persons
13 placed on probation for violations of section 577.023.
14 Nothing in sections 559.600 to 559.615 shall be construed to
15 prohibit the [board] **division** of probation and parole, or
16 the court, from supervising misdemeanor offenders in a
17 circuit where the judges have entered into a contract with a
18 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
19 projectile weapon in either a negligent or unlawful manner
20 or discharges such firearm or projectile weapon unless
21 acting in self-defense; or

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

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

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

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

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

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

46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are
49 reasonably associated with or are necessary to the
50 fulfillment of such person's official duties except as
51 otherwise provided in this subsection. Subdivisions (3),
52 (4), (6), (7), and (9) of subsection 1 of this section shall
53 not apply to or affect any of the following persons, when
54 such uses are reasonably associated with or are necessary to
55 the fulfillment of such person's official duties, except as
56 otherwise provided in this subsection:

57 (1) All state, county and municipal peace officers who
58 have completed the training required by the police officer
59 standards and training commission pursuant to sections
60 590.030 to 590.050 and who possess the duty and power of
61 arrest for violation of the general criminal laws of the
62 state or for violation of ordinances of counties or
63 municipalities of the state, whether such officers are on or
64 off duty, and whether such officers are within or outside of
65 the law enforcement agency's jurisdiction, or all qualified
66 retired peace officers, as defined in subsection 12 of this
67 section, and who carry the identification defined in
68 subsection 13 of this section, or any person summoned by

69 such officers to assist in making arrests or preserving the
70 peace while actually engaged in assisting such officer;

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

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

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

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

83 (6) Any federal probation officer or federal flight
84 deck officer as defined under the federal flight deck
85 officer program, 49 U.S.C. Section 44921, regardless of
86 whether such officers are on duty, or within the law
87 enforcement agency's jurisdiction;

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

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

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

97 (10) Any municipal or county prosecuting attorney or
98 assistant prosecuting attorney; circuit attorney or
99 assistant circuit attorney; municipal, associate, or circuit
100 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.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has

possession, authority or control, or is traveling in a continuous journey peaceably through this state.

Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (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.

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

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

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

177 (2) Subdivision (1), (6), (7), or (8) of subsection 1
178 of this section shall be guilty of a class B misdemeanor,
179 except when a concealed weapon is carried onto any private
180 property whose owner has posted the premises as being off-
181 limits to concealed firearms by means of one or more signs
182 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
215 of this section shall be subject to the same penalty as that
216 prescribed by this section for violations by other persons.

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

223 12. As used in this section "qualified retired peace
224 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.

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

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the 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

performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The **[board] division** of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

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

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

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

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state

concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

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

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

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

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

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

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

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing 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

115 shall be sent to the Missouri state highway patrol crime
116 laboratory. Upon receipt of the court order, the laboratory
117 will determine that the requesting individual has no other
118 qualifying offense as a result of any separate plea or
119 conviction and no other qualifying arrest prior to
120 expungement.

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

129 (3) Upon receipt of a written request for expungement,
130 a certified copy of the final court order reversing the
131 conviction, setting aside the plea, or granting an
132 expungement of all official records under section 568.040,
133 and any other information necessary to ascertain the
134 validity of the request, the Missouri state highway patrol
135 crime laboratory shall expunge all DNA records and
136 identifiable information in the state DNA database
137 pertaining to the person and destroy the DNA sample of the
138 person, unless the Missouri state highway patrol determines
139 that the person is otherwise obligated to submit a DNA
140 sample. Within thirty days after the receipt of the court
141 order, the Missouri state highway patrol shall notify the
142 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

immunity for any purposes other than the restitution 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

77 filed by the individual's heirs or assigns. An individual's
78 right to receive restitution under this section is not
79 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
the division.

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

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