

FIRST REGULAR SESSION

# SENATE BILL NO. 343

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

1599S.011

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 558.011 and 558.031, RSMo, and to enact in lieu thereof two new sections relating to terms of imprisonment, with penalty provisions.

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

Section A. Sections 558.011 and 558.031, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 558.011 and 558.031, to read as follows:

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;

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

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 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, subject to conditions of release that the board  
56     deems reasonable to assist the offender to lead a law-  
57     abiding life, and subject to the supervision under the state  
58     board of probation and parole. The conditions of release  
59     shall include avoidance by the offender of any other  
60     offense, federal or state, and other conditions that the  
61     board in its discretion deems reasonably necessary to assist  
62     the releasee in avoiding further violation of the law.

63           5.     The date of conditional release from the prison  
64     term may be extended up to a maximum of the entire sentence  
65     of imprisonment by the board of probation and parole. The  
66     director of any division of the department of corrections  
67     except the board of probation and parole may file with the  
68     board of probation and parole a petition to extend the  
69     conditional release date when an offender fails to follow  
70     the rules and regulations of the division or commits an act  
71     in violation of such rules. Within ten working days of  
72     receipt of the petition to extend the conditional release  
73     date, the board of probation and parole shall convene a  
74     hearing on the petition. The offender shall be present and  
75     may call witnesses in his or her behalf and cross-examine  
76     witnesses appearing against the offender. The hearing shall  
77     be conducted as provided in section 217.670. If the  
78     violation occurs in close proximity to the conditional  
79     release date, the conditional release may be held for a  
80     maximum of fifteen working days to permit necessary time for

81 the division director to file a petition for an extension  
82 with the board and for the board to conduct a hearing,  
83 provided some affirmative manifestation of an intent to  
84 extend the conditional release has occurred prior to the  
85 conditional release date. If at the end of a fifteen-  
86 working-day period a board decision has not been reached,  
87 the offender shall be released conditionally. The decision  
88 of the board shall be final].

558.031. 1. A sentence of imprisonment shall commence  
2 when a person convicted of an offense in this state is  
3 received into the custody of the department of corrections  
4 or other place of confinement where the offender is  
5 sentenced.

6 2. Such person shall receive credit toward the service  
7 of a sentence of imprisonment for all time in prison, jail,  
8 or custody after [the offense occurred] **conviction** and  
9 before the commencement of the sentence, when the time in  
10 custody was related to that offense, **and the circuit court**  
11 **may, when pronouncing sentence, award credit for time spent**  
12 **in prison, jail, or custody after the offense occurred and**  
13 **before conviction toward the service of the sentence of**  
14 **imprisonment**, except:

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

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

21 (3) As provided in section 559.100.

22 [2.] 3. The officer required by law to deliver a  
23 person convicted of an offense in this state to the  
24 department of corrections shall endorse upon the papers

25 required by section 217.305 both the dates the offender was  
26 in custody and the period of time to be credited toward the  
27 service of the sentence of imprisonment, except as endorsed  
28 by such officer.

29 [3.] 4. If a person convicted of an offense escapes  
30 from custody, such escape shall interrupt the sentence. The  
31 interruption shall continue until such person is returned to  
32 the correctional center where the sentence was being served,  
33 or in the case of a person committed to the custody of the  
34 department of corrections, to any correctional center  
35 operated by the department of corrections. An escape shall  
36 also interrupt the jail time credit to be applied to a  
37 sentence which had not commenced when the escape occurred.

38 [4.] 5. If a sentence of imprisonment is vacated and a  
39 new sentence imposed upon the offender for that offense, all  
40 time served under the vacated sentence shall be credited  
41 against the new sentence, unless the time has already been  
42 credited to another sentence as provided in subsection 1 of  
43 this section.

44 [5.] 6. If a person released from imprisonment on  
45 parole or serving a conditional release term violates any of  
46 the conditions of his or her parole or release, he or she  
47 may be treated as a parole violator. If the board of  
48 probation and parole revokes the parole or conditional  
49 release, the paroled person shall serve the remainder of the  
50 prison term and conditional release term, as an additional  
51 prison term, and the conditionally released person shall  
52 serve the remainder of the conditional release term as a  
53 prison term, unless released on parole.

54 7. Subsection 2 of this section shall be applicable to  
55 offenses occurring on or after August 28, 2021.

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