

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 834**  
**101ST GENERAL ASSEMBLY**

3494H.10C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 217.035, 217.650, 217.670, 217.703, 217.710, 217.720, 217.785, 217.810, 548.241, 559.036, and 559.115, RSMo, and to enact in lieu thereof nineteen new sections relating to department of corrections programs.

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

Section A. Sections 217.035, 217.650, 217.670, 217.703, 217.710, 217.720, 217.785, 2 217.810, 548.241, 559.036, and 559.115, RSMo, are repealed and nineteen new sections 3 enacted in lieu thereof, to be known as sections 217.035, 217.650, 217.670, 217.703, 217.710, 4 217.720, 217.940, 217.941, 217.942, 217.943, 217.944, 217.945, 217.946, 217.947, 548.241, 5 559.036, 559.115, 589.564, and 589.565, to read as follows:

217.035. The director shall have the authority to:

- 2 (1) Establish, with approval of the governor, the internal organization of the 3 department and file the plan thereof with the secretary of state in the manner in which 4 administrative rules are filed, the commissioner of administration and the revisor of statutes;
- 5 (2) Exclusively prepare the budgets of the department and each division within the 6 department in the form and manner set out by statute or by the commissioner of 7 administration;
- 8 (3) Designate by written order filed with the governor, the president pro tem of the 9 senate, and the chairman of the joint committee on corrections, a deputy director of the 10 department to act for and exercise the powers of the director during the director's absence for 11 official business, vacation, illness or incapacity. The deputy director shall serve as acting 12 director no longer than six months; however, after the deputy director has acted as director for

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 longer than thirty days the deputy director shall receive compensation equal to that of the  
14 director;

15 (4) Procure, either through the division of purchasing or by other means authorized  
16 by law, supplies, material, equipment or contractual services for the department and each of  
17 its divisions;

18 (5) Establish policy for the department and each of its divisions;

19 (6) Designate any responsibilities, duties and powers given by sections 217.010,  
20 ~~[217.810]~~ 558.011 and 558.026 to the department or the department director to any division  
21 or division director.

217.650. As used in sections 217.650 to ~~[217.810]~~ **217.805**, unless the context clearly  
2 indicates otherwise, the following terms mean:

3 (1) "Chairperson", chairperson of the parole board who shall be appointed by the  
4 governor;

5 (2) "Diversionary program", a program designed to utilize alternatives to  
6 incarceration undertaken under the supervision of the division of probation and parole after  
7 commitment of an offense and prior to arraignment;

8 (3) "Parole", the release of an offender to the community by the court or the state  
9 parole board prior to the expiration of his term, subject to conditions imposed by the court or  
10 the parole board and to its supervision by the division of probation and parole;

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

12 (5) "Prerelease program", a program relating to an offender's preparation for, or  
13 orientation to, supervision by the division of probation and parole immediately prior to or  
14 immediately after assignment of the offender to the division of probation and parole for  
15 supervision;

16 (6) "Pretrial program", a program relating to the investigation or supervision of  
17 persons referred or assigned to the division of probation and parole prior to their conviction;

18 (7) "Probation", a procedure under which a defendant found guilty of a crime upon  
19 verdict or plea is released by the court without imprisonment, subject to conditions imposed  
20 by the court and subject to the supervision of the division of probation and parole;

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

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

3 2. Decisions of the board regarding granting of paroles, extensions of a conditional  
4 release date or revocations of a parole or conditional release shall be by a majority vote of the  
5 hearing panel members. The hearing panel shall consist of one member of the board and two

6 hearing officers appointed by the board. A member of the board may remove the case from  
7 the jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty  
8 days of entry of the decision of the hearing panel to deny parole or to revoke a parole or  
9 conditional release, the offender may appeal the decision of the hearing panel to the board.  
10 The board shall consider the appeal within thirty days of receipt of the appeal. The decision  
11 of the board shall be by majority vote of the board members and shall be final.

12 3. The orders of the board shall not be reviewable except as to compliance with the  
13 terms of sections 217.650 to ~~[217.810]~~ **217.805** or any rules promulgated pursuant to such  
14 section.

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

17 5. Notwithstanding any other provision of law, any meeting, record, or vote, of  
18 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record,  
19 or closed vote.

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

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

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

6 (2) On probation, parole, or conditional release for an offense listed in chapter 579, or  
7 an offense previously listed in chapter 195, or for a class D or E felony, excluding sections  
8 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060, offenses defined as  
9 sexual assault under section 589.015, deviate sexual assault, assault in the second degree  
10 under subdivision (2) of subsection 1 of section 565.052, endangering the welfare of a child in  
11 the first degree under subdivision (2) of subsection 1 of section 568.045, and any offense of  
12 aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of  
13 section 565.060 as such offenses existed prior to January 1, 2017;

14 (3) Supervised by the division of probation and parole; and

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

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

19 (1) Involuntary manslaughter in the second degree;

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

22 (3) Domestic assault in the second degree;

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

25 (5) Statutory rape in the second degree;

26 (6) Statutory sodomy in the second degree;

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

29 (8) Any case in which the defendant is found guilty of a felony offense under chapter  
30 571;

31

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

42 3. Earned compliance credits shall reduce the term of probation, parole, or conditional  
43 release by thirty days for each full calendar month of compliance with the terms of  
44 supervision. Credits shall begin to accrue for eligible offenders after the first full calendar  
45 month of supervision or on October 1, 2012, if the offender began a term of probation, parole,  
46 or conditional release before September 1, 2012.

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

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

60           (1) The court or board revokes the probation or parole or the court places the offender  
61 in a department program under subsection 4 of section 559.036 ~~[or under section 217.785]~~; or

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

66

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

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

77           7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the  
78 combination of time served in custody, if applicable, time served on probation, parole, or  
79 conditional release, and earned compliance credits satisfy the total term of probation, parole,  
80 or conditional release, the board or sentencing court shall order final discharge of the  
81 offender, so long as the offender has completed restitution and at least two years of his or her  
82 probation, parole, or conditional release, which shall include any time served in custody under  
83 section 217.718 and sections 559.036 and 559.115.

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

86           9. At least twice a year, the division shall calculate the number of months the offender  
87 has remaining on his or her term of probation, parole, or conditional release, taking into

88 consideration any earned compliance credits, and notify the offender of the length of the  
89 remaining term.

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

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

99 12. The application of earned compliance credits shall be suspended upon entry into a  
100 treatment court, as described in sections 478.001 to 478.009, and shall remain suspended until  
101 the offender is discharged from such treatment court. Upon successful completion of  
102 treatment court, all earned compliance credits accumulated during the suspension period shall  
103 be retroactively applied, so long as the other terms and conditions of probation have been  
104 successfully completed.

217.710. 1. Probation and parole officers, supervisors and members of the parole  
2 board, who are certified pursuant to the requirements of subsection 2 of this section shall have  
3 the authority to carry their firearms at all times. The department of corrections shall  
4 promulgate policies and operating regulations which govern the use of firearms by probation  
5 and parole officers, supervisors, and members of the parole board when carrying out the  
6 provisions of sections 217.650 to ~~[217.810]~~ **217.805**. Mere possession of a firearm shall not  
7 constitute an employment activity for the purpose of calculating compensatory time or  
8 overtime.

9 2. The department shall determine the content of the required firearms safety training  
10 and provide firearms certification and recertification training for probation and parole  
11 officers, supervisors, and members of the parole board. A minimum of sixteen hours of  
12 firearms safety training shall be required. In no event shall firearms certification or  
13 recertification training for probation and parole officers and supervisors exceed the training  
14 required for officers of the state highway patrol.

15 3. The department shall determine the type of firearm to be carried by the officers,  
16 supervisors, and members of the parole board.

17 4. Any officer, supervisor, or member of the parole board ~~[that]~~ **who** chooses to carry  
18 a firearm in the performance of such officer's, supervisor's, or member's duties shall purchase  
19 the firearm and holster.

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

22           6. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
23 promulgated under the authority of this chapter, shall become effective only if the agency has  
24 fully complied with all of the requirements of chapter 536 including but not limited to, section  
25 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to  
26 August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however  
27 nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of  
28 any rule adopted and promulgated prior to August 28, 1998. If the provisions of section  
29 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested  
30 with the general assembly pursuant to section 536.028 to review, to delay the effective date,  
31 or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the  
32 purported grant of rulemaking authority and any rule so proposed and contained in the order  
33 of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section  
34 shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

217.720. 1. At any time during release on parole or conditional release the division of  
2 probation and parole may issue a warrant for the arrest of a released offender for violation of  
3 any of the conditions of parole or conditional release. The warrant shall authorize any law  
4 enforcement officer to return the offender to the actual custody of the correctional center from  
5 which the offender was released, or to any other suitable facility designated by the division.  
6 If any parole or probation officer has probable cause to believe that such offender has violated  
7 a condition of parole or conditional release, the probation or parole officer may issue a  
8 warrant for the arrest of the offender. The probation or parole officer may effect the arrest or  
9 may deputize any officer with the power of arrest to do so by giving the officer a copy of the  
10 warrant which shall outline the circumstances of the alleged violation and contain the  
11 statement that the offender has, in the judgment of the probation or parole officer, violated  
12 conditions of parole or conditional release. The warrant delivered with the offender by the  
13 arresting officer to the official in charge of any facility designated by the division to which the  
14 offender is brought shall be sufficient legal authority for detaining the offender. After the  
15 arrest the parole or probation officer shall present to the detaining authorities a similar  
16 statement of the circumstances of violation. Pending hearing as hereinafter provided, upon  
17 any charge of violation, the offender shall remain in custody or incarcerated without  
18 consideration of bail.

19           2. If the offender is arrested under the authority granted in subsection 1 of this  
20 section, the offender shall have the right to a preliminary hearing on the violation charged  
21 unless the offender waives such hearing. Upon such arrest and detention, the parole or  
22 probation officer shall immediately notify the board and shall submit in writing a report

23 showing in what manner the offender has violated the conditions of his parole or conditional  
24 release. The board shall order the offender discharged from such facility, require as a  
25 condition of parole or conditional release the placement of the offender in a treatment center  
26 operated by the department of corrections, or shall cause the offender to be brought before it  
27 for a hearing on the violation charged, under such rules and regulations as the board may  
28 adopt. If the violation is established and found, the board may continue or revoke the parole  
29 or conditional release, or enter such other order as it may see fit. If no violation is established  
30 and found, then the parole or conditional release shall continue. If at any time during release  
31 on parole or conditional release the offender is arrested for a crime which later leads to  
32 conviction, and sentence is then served outside the Missouri department of corrections, the  
33 board shall determine what part, if any, of the time from the date of arrest until completion of  
34 the sentence imposed is counted as time served under the sentence from which the offender  
35 was paroled or conditionally released.

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

44 4. At any time during parole or probation, the division may issue a warrant for the  
45 arrest of any person from another jurisdiction~~[-, the visitation and supervision of whom the~~  
46 ~~division has undertaken pursuant to the provisions of the interstate compact for the~~  
47 ~~supervision of parolees and probationers authorized in section 217.810,]~~ for violation of any  
48 of the conditions of release~~[-]~~ or a notice to appear to answer a charge of violation. The notice  
49 shall be served personally upon the person. The warrant shall authorize any law enforcement  
50 officer to return the offender to any suitable detention facility designated by the division. Any  
51 parole or probation officer may arrest such person without a warrant, or may deputize any  
52 other officer with power of arrest to do so by issuing a written statement setting forth that the  
53 defendant has, in the judgment of the parole or probation officer, violated the conditions of  
54 his release. The written statement delivered with the person by the arresting officer to the  
55 official in charge of the detention facility to which the person is brought shall be sufficient  
56 legal authority for detaining him. After making an arrest the parole or probation officer shall  
57 present to the detaining authorities a similar statement of the circumstances of violation.

**217.940. 1. This act establishes the "Correctional Center Nursery Program".**  
2 **The department of corrections shall, subject to appropriations, establish a correctional**

3 center nursery in one or more of the correctional centers for women operated by the  
4 department, no later than July 1, 2025. The purpose of the correctional center nursery  
5 program is for bonding and unification between the mother and child. The program  
6 shall allow eligible inmates and children born from them while in the custody of the  
7 department to reside together in the institution for up to eighteen months post-delivery.  
8 In establishing this program, neither the inmate's participation in the program nor any  
9 provision of sections 217.940 to 217.947 shall affect, modify, or interfere with the  
10 inmate's custodial rights to the child nor does it establish legal custody of the child with  
11 the department.

12 2. As used in sections 217.940 to 217.947, the following terms shall mean:

13 (1) "Correctional center nursery program", the program authorized by sections  
14 217.940 to 217.947;

15 (2) "Department", the department of corrections;

16 (3) "Public assistance", all forms of assistance, including monetary assistance  
17 from any public source paid either to the mother or child or any other person on behalf  
18 of the child;

19 (4) "Support", the payment of money, including interest:

20 (a) For a child or spouse ordered by a court of competent jurisdiction, whether  
21 the payment is ordered in an emergency, temporary, permanent, or modified order, the  
22 amount of unpaid support shall bear simple interest from the date it accrued, at a rate  
23 of ten dollars upon one hundred dollars per annum, and proportionately for a greater or  
24 lesser sum, or for a longer or shorter time;

25 (b) To third parties on behalf of a child or spouse, including, but not limited to,  
26 payments to medical, dental or educational providers, payments to insurers for health  
27 and hospitalization insurance, payments of residential rent or mortgage payments,  
28 payments on an automobile, or payments for day care; or

29 (c) For a mother, ordered by a court of competent jurisdiction, for the necessary  
30 expenses incurred by or for the mother in connection with her confinement or of other  
31 expenses in connection with the pregnancy of the mother.

217.941. 1. An inmate is eligible to participate in the correctional center nursery  
2 program if:

3 (1) She delivers the child while in the custody of the department;

4 (2) She is expected to give birth or gives birth on or after the date the program is  
5 implemented;

6 (3) She has a presumptive release date established by the parole board of  
7 eighteen months or less from the date she applies to participate in the program;

8           **(4) She has not pled guilty to or been convicted of a dangerous felony as defined**  
9 **in section 556.061;**

10           **(5) She has not pled guilty to or been convicted of any sexual offense contained in**  
11 **chapter 566 where the victim of the crime was a minor;**

12           **(6) She has not pled guilty to or been convicted of an offense against the family**  
13 **contained in chapter 568, excluding criminal nonsupport; and**

14           **(7) She and the child meet any other criteria established by the department.**

15           **2. Placement into the program shall be by internal classification of the**  
16 **department. A sentencing court is without jurisdiction to order a placement of an**  
17 **inmate into the program.**

18           **3. Program capacity shall be determined by the department.**

19           **4. Upon first release of the mother and child, the child shall not be eligible to**  
20 **return to the program if the mother is revoked or receives a new assignment to the**  
21 **department of corrections.**

**217.942. 1. To participate in the correctional center nursery program, each**  
2 **eligible inmate selected by the department shall agree in writing to:**

3           **(1) Comply with all department policies, procedures and other requirements**  
4 **related to the corrections nursery program and rules that apply to all incarcerated**  
5 **offenders generally;**

6           **(2) If eligible, have the child participate in the state children's health insurance**  
7 **program under sections 208.631 to 208.658;**

8           **(3) Abide by any court decisions regarding the allocation of parental rights and**  
9 **responsibilities with respect to the child; and**

10           **(4) Specify with whom the child is to be placed in the event the inmate's**  
11 **participation in the program is terminated for a reason other than release from**  
12 **imprisonment.**

13           **2. The department shall be required to establish policy for the operation of the**  
14 **program.**

**217.943. An inmate's participation in the correctional center nursery program**  
2 **may be terminated by the department if one of the following occurs:**

3           **(1) The inmate fails to comply with the agreement entered into under section**  
4 **217.942;**

5           **(2) The inmate violates an institutional rule that results in alternative housing**  
6 **placement outside of the area designated for the program;**

7           **(3) The inmate's child becomes seriously ill, cannot receive the necessary medical**  
8 **care, or otherwise cannot safely participate in the program;**

9           **(4) A court of competent jurisdiction grants custody of the child to a person**  
10 **other than the inmate;**

11           **(5) A court of competent jurisdiction issues an order regarding the child**  
12 **granting temporary, permanent, or legal custody of the child to a person other than the**  
13 **inmate, or to a public children services agency or private child placing agency; or**

14           **(6) The inmate is released from imprisonment.**

**217.944. 1. The division of child support enforcement shall collect support**  
2 **payments made pursuant to the assignment and forward them to the department for**  
3 **deposit into the inmate's inmate banking account.**

4           **2. The department may accept monetary and property donations on behalf of**  
5 **the program.**

6           **3. All donations accepted by the department for the correctional center nursery**  
7 **program shall be used solely for any expenses relating to the operation and maintenance**  
8 **of the program.**

9           **4. No donations of property shall be made on behalf of one particular inmate or**  
10 **child to be used while incarcerated.**

11           **5. Financial donations, public assistance, or support for a specific inmate or**  
12 **child shall be made through the inmate banking system.**

**217.945. 1. There is hereby created in the state treasury the "Correctional**  
2 **Center Nursery Program Fund", which shall consist of money collected under this**  
3 **section and section 217.944 as well as any appropriations made by the general assembly.**  
4 **The department shall obtain sufficient resources to initiate and maintain the program**  
5 **and may accept gifts, grants, and donations of any kind. The state treasurer shall be**  
6 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**  
7 **may approve disbursements. The fund shall be a dedicated fund and money in the fund**  
8 **shall be used solely by the department for the purposes of operating and maintaining**  
9 **sections 217.940 to 217.947.**

10           **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
11 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
12 **general revenue fund.**

13           **3. The state treasurer shall invest moneys in the fund in the same manner as**  
14 **other funds are invested. Any interest and moneys earned on such investments shall be**  
15 **credited to the fund.**

**217.946. Notwithstanding any other provision of law to contrary, neither the**  
2 **correctional center nursery program nor the department, with respect to the program,**  
3 **is subject to any regulation, licensing or oversight by the department of health and**  
4 **senior services, department of social services, children's division, juvenile officer of any**

5 jurisdiction or the office of childhood unless the department voluntarily agrees to  
6 services, regulation, licensing, or oversight from any of the aforementioned entities.

217.947. The operation of a correctional center nursery program established  
2 under sections 217.940 to 217.947 and the presence of children of inmates participating  
3 in the correctional center nursery program shall not be considered a dangerous  
4 condition that would result in a waiver of sovereign immunity under section 537.600.  
5 The sovereign immunity provisions under section 537.600 and any other statute  
6 regarding the sovereign immunity of the state or public entities in existence as of August  
7 28, 2022, shall remain in effect and shall be applied in the same manner as such  
8 provisions were applied prior to the establishment of the correctional center nursery  
9 program under sections 217.940 to 217.947.

548.241. 1. All necessary and proper expenses accruing under section 548.221, upon  
2 being ascertained to the satisfaction of the governor, shall be allowed on his certificate and  
3 paid out of the state treasury as other demands against the state.

4 2. All necessary and proper expenses accruing as a result of a person being returned  
5 to this state pursuant to the provisions of section 548.243 [~~or 217.810~~] shall be allowed and  
6 paid out of the state treasury as if the person were being returned to this state pursuant to  
7 section 548.221.

8 3. Any necessary and proper expenses accruing as a result of a person being  
9 returned to this state under the provisions of chapter 589 may be paid either out of the  
10 Missouri interstate compact fund established in chapter 589 or out of the state treasury.

559.036. 1. A term of probation commences on the day it is imposed. Multiple terms  
2 of Missouri probation, whether imposed at the same time or at different times, shall run  
3 concurrently. Terms of probation shall also run concurrently with any federal or other state  
4 jail, prison, probation or parole term for another offense to which the defendant is or becomes  
5 subject during the period[, unless otherwise specified by the Missouri court].

6 2. The court may terminate a period of probation and discharge the defendant at any  
7 time before completion of the specific term fixed under section 559.016 if warranted by the  
8 conduct of the defendant and the ends of justice. The court may extend the term of the  
9 probation, but no more than one extension of any probation may be ordered except that the  
10 court may extend the term of probation by one additional year by order of the court if the  
11 defendant admits he or she has violated the conditions of probation or is found by the court to  
12 have violated the conditions of his or her probation. Total time on any probation term,  
13 including any extension shall not exceed the maximum term established in section 559.016.  
14 **Total time on any probation term shall not include time when the probation term is**  
15 **suspended under this section.** Procedures for termination, discharge and extension may be  
16 established by rule of court.

17           3. If the defendant violates a condition of probation at any time prior to the expiration  
18 or termination of the probation term, the court may continue him or her on the existing  
19 conditions, with or without modifying or enlarging the conditions or extending the term.

20           4. (1) Unless the defendant consents to the revocation of probation, if a continuation,  
21 modification, enlargement or extension is not appropriate under this section, the court shall  
22 order placement of the offender in ~~[one of the]~~ a department of corrections' one hundred  
23 twenty-day ~~[programs]~~ **program** so long as:

24           (a) The underlying offense for the probation is a class D or E felony or an offense  
25 listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may,  
26 upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an  
27 offender is not eligible if the underlying offense is involuntary manslaughter in the second  
28 degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the  
29 second degree, domestic assault in the second degree, assault in the third degree when the  
30 victim is a special victim, statutory rape in the second degree, statutory sodomy in the second  
31 degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a  
32 child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2)  
33 of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which  
34 the defendant is found guilty of a felony offense under chapter 571, or an offense of  
35 aggravated stalking or assault of a law enforcement officer in the second degree as such  
36 offenses existed prior to January 1, 2017;

37           (b) The probation violation is not the result of the defendant being an absconder or  
38 being found guilty of, pleading guilty to, or being arrested on suspicion of any felony,  
39 misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an  
40 offender under supervision who has left such offender's place of residency without the  
41 permission of the offender's supervising officer for the purpose of avoiding supervision;

42           (c) The defendant has not violated any conditions of probation involving the  
43 possession or use of weapons, or a stay-away condition prohibiting the defendant from  
44 contacting a certain individual; and

45           (d) The defendant has not already been placed in one of the programs by the court for  
46 the same underlying offense or during the same probation term.

47           (2) Upon receiving the order, the department of corrections shall conduct an  
48 assessment of the offender and place such offender in **either** the ~~[appropriate]~~ one hundred  
49 twenty-day **structured cognitive behavioral intervention** program ~~[under subsection 3 of~~  
50 ~~section 559.115]~~ **or the one hundred twenty-day institutional treatment program**. **The**  
51 **placement of the offender in the structured cognitive behavioral intervention program**  
52 **or institutional treatment program shall be at the sole discretion of the department**  
53 **based on the assessment of the offender. The program shall begin upon receipt of the**

54 **offender by the department. The time between the court's order and receipt of the**  
55 **offender by the department shall not apply toward the program.**

56 (3) ~~[Notwithstanding any of the provisions of subsection 3 of section 559.115 to the~~  
57 ~~contrary, once the defendant has successfully completed the program under this subsection,~~  
58 ~~the court shall release the defendant to continue to serve the term of probation, which shall~~  
59 ~~not be modified, enlarged, or extended based on the same incident of violation.]~~ **Upon**  
60 **successful completion of a program under this subsection, as determined by the**  
61 **department, the division of probation and parole shall advise the sentencing court of the**  
62 **defendant's probationary release date thirty days prior to release. Once the defendant**  
63 **has successfully completed a program under this subsection, the court shall release the**  
64 **defendant to continue to serve the term of probation, which shall not be modified,**  
65 **enlarged, or extended based on the same incident of violation.**

66 (4) **If the department determines the defendant has not successfully completed a**  
67 **one hundred twenty-day program under this section, the division of probation and**  
68 **parole shall advise the prosecuting attorney and the sentencing court of the defendant's**  
69 **unsuccessful program exit and the defendant shall be removed from the program. The**  
70 **defendant shall be released from the department within fifteen working days after the**  
71 **court is notified of the unsuccessful program exit, unless the court has issued a warrant**  
72 **in response to the unsuccessful program exit to facilitate the return of the defendant to**  
73 **the county of jurisdiction for further court proceedings. If a defendant is discharged as**  
74 **unsuccessful from a one hundred twenty-day program, the sentencing court may**  
75 **modify, enlarge, or revoke the defendant's probation based on the same incident of the**  
76 **violation.**

77 (5) **Time served in the program shall be credited as time served on any sentence**  
78 **imposed for the underlying offense.**

79 5. **If the defendant consents to the revocation of probation or if the defendant is not**  
80 **eligible under subsection 4 of this section for placement in a program and a continuation,**  
81 **modification, enlargement, or extension of the term under this section is not appropriate, the**  
82 **court may revoke probation and order that any sentence previously imposed be executed. If**  
83 **imposition of sentence was suspended, the court may revoke probation and impose any**  
84 **sentence available under section 557.011. The court may mitigate any sentence of**  
85 **imprisonment by reducing the prison or jail term by all or part of the time the defendant was**  
86 **on probation. The court may, upon revocation of probation, place an offender on a second**  
87 **term of probation. Such probation shall be for a term of probation as provided by section**  
88 **559.016, notwithstanding any amount of time served by the offender on the first term of**  
89 **probation.**

90           6. Probation shall not be revoked without giving the probationer notice and an  
91 opportunity to be heard on the issues of whether such probationer violated a condition of  
92 probation and, if a condition was violated, whether revocation is warranted under all the  
93 circumstances. Not less than five business days prior to the date set for a hearing on the  
94 violation, except for a good cause shown, the judge shall inform the probationer that he or she  
95 may have the right to request the appointment of counsel if the probationer is unable to retain  
96 counsel. If the probationer requests counsel, the judge shall determine whether counsel is  
97 necessary to protect the probationer's due process rights. If the judge determines that counsel  
98 is not necessary, the judge shall state the grounds for the decision in the record.

99           7. The prosecuting or circuit attorney may file a motion to revoke probation or at any  
100 time during the term of probation, the court may issue a notice to the probationer to appear to  
101 answer a charge of a violation, and the court may issue a warrant of arrest for the violation.  
102 Such notice shall be personally served upon the probationer. The warrant shall authorize the  
103 return of the probationer to the custody of the court or to any suitable detention facility  
104 designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on  
105 the court's own motion, the court may immediately enter an order suspending the period of  
106 probation and may order a warrant for the defendant's arrest. The probation shall remain  
107 suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the  
108 court otherwise orders the probation reinstated. **Notwithstanding any other provision of**  
109 **the law, the probation term shall be tolled during the time period when the probation is**  
110 **suspended under this section. The court may grant the probationer credit on the**  
111 **probation term for any of the tolled period when reinstating the probation term.**

112           8. The power of the court to revoke probation shall extend for the duration of the term  
113 of probation designated by the court and for any further period which is reasonably necessary  
114 for the adjudication of matters arising before its expiration, provided that some affirmative  
115 manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the  
116 period and that every reasonable effort is made to notify the probationer and to conduct the  
117 hearing prior to the expiration of the period. **If the delay of the hearing is attributable to**  
118 **the probationer's actions or the probationer otherwise consents or acquiesces to the**  
119 **delay, the court shall have been found to have made every reasonable effort to conduct**  
120 **the hearing within the probation term.**

121           9. A defendant who was sentenced prior to January 1, 2017 to an offense that was  
122 eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this  
123 section for the court ordered detention sanction shall continue to remain eligible for the  
124 sanction so long as the defendant meets all the other requirements provided under subsection  
125 4 of this section.

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

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

13 3. The court may recommend placement of an offender in a department of corrections  
14 one hundred twenty-day program under this subsection ~~[or order such placement under~~  
15 ~~subsection 4 of section 559.036].~~ ~~[Upon the recommendation or order of the court,]~~ The  
16 department of corrections shall assess each offender to determine the appropriate one hundred  
17 twenty-day program in which to place the offender, which may include placement in the  
18 ~~[shock incarceration]~~ **structured cognitive behavioral intervention** program or institutional  
19 **treatment program. The placement of an offender in the structured cognitive behavioral**  
20 **intervention program or institutional treatment program shall be at the sole discretion**  
21 **of the department based on the assessment of the offender and available bed space.**  
22 When the court recommends and receives placement of an offender in a department of  
23 corrections one hundred twenty-day program, the offender shall be released on probation if  
24 the department of corrections determines that the offender has successfully completed the  
25 program except as follows. Upon successful completion of a program under this subsection,  
26 the division of probation and parole shall advise the sentencing court of an offender's  
27 probationary release date thirty days prior to release. The court shall follow the  
28 recommendation of the department unless the court determines that probation is not  
29 appropriate. If the court determines that probation is not appropriate, the court may order the  
30 execution of the offender's sentence only after conducting a hearing on the matter within  
31 ninety to one hundred twenty days from the date the offender was delivered to the department  
32 of corrections. If the department determines the offender has not successfully completed a  
33 one hundred twenty-day program under this subsection, the ~~[offender shall be removed from~~  
34 ~~the program and the court shall be advised of the removal.]~~ **division of probation and parole**  
35 **shall advise the prosecuting attorney and the sentencing court of the defendant's**  
36 **unsuccessful program exit and the defendant shall be removed from the program.** The  
department shall report on the offender's participation in the program and may provide

37 recommendations for terms and conditions of an offender's probation. The court shall then  
38 have the power to grant probation or order the execution of the offender's sentence.

39 4. If the court is advised that an offender is not eligible for placement in a one  
40 hundred twenty-day program under subsection 3 of this section, the court shall consider other  
41 authorized dispositions. If the department of corrections one hundred twenty-day program  
42 under subsection 3 of this section is full, the court may place the offender in a private program  
43 approved by the department of corrections or the court, the expenses of such program to be  
44 paid by the offender, or in an available program offered by another organization. If the  
45 offender is convicted of a class C, class D, or class E nonviolent felony, the court may order  
46 probation while awaiting appointment to treatment.

47 5. Except when the offender has been found to be a predatory sexual offender  
48 pursuant to section 566.125, the court shall request the department of corrections to conduct a  
49 sexual offender assessment if the defendant has been found guilty of sexual abuse when  
50 classified as a class B felony. Upon completion of the assessment, the department shall  
51 provide to the court a report on the offender and may provide recommendations for terms and  
52 conditions of an offender's probation. The assessment shall not be considered a one hundred  
53 twenty-day program as provided under subsection 3 of this section. The process for granting  
54 probation to an offender who has completed the assessment shall be as provided under  
55 subsections 2 and 6 of this section.

56 6. Unless the offender is being granted probation pursuant to successful completion of  
57 a one hundred twenty-day program the circuit court shall notify the state in writing when the  
58 court intends to grant probation to the offender pursuant to the provisions of this section. The  
59 state may, in writing, request a hearing within ten days of receipt of the court's notification  
60 that the court intends to grant probation. Upon the state's request for a hearing, the court shall  
61 grant a hearing as soon as reasonably possible. If the state does not respond to the court's  
62 notice in writing within ten days, the court may proceed upon its own motion to grant  
63 probation.

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

67 8. Notwithstanding any other provision of law, probation may not be granted pursuant  
68 to this section to offenders who have been convicted of murder in the second degree pursuant  
69 to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28,  
70 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section  
71 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section  
72 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in  
73 the first degree pursuant to section 566.062; child molestation in the first degree pursuant to

74 section 566.067 when classified as a class A felony; abuse of a child pursuant to section  
75 568.060 when classified as a class A felony; or an offender who has been found to be a  
76 predatory sexual offender pursuant to section 566.125; **any offense under section 557.045;**  
77 or any offense in which there exists a statutory prohibition against either probation or parole.

**589.564. 1. Upon a petition from the state, a circuit court is authorized to add  
2 any condition to a term of probation for an offender supervised in this state for a term  
3 of probation ordered by another state, including shock incarceration; however, the  
4 court shall not reduce, extend, or revoke such a term of probation. The circuit court for  
5 the jurisdiction in which a probationer is under supervision shall serve as the  
6 authorizing court for the purposes of this section. The prosecuting attorney or circuit  
7 attorney for the jurisdiction in which a probationer is under supervision shall serve as  
8 the authorized person to petition the court to add a condition of probation.  
9 Notwithstanding any provision of section 549.500 or 559.125, the division of  
10 probation and parole may submit violation reports to the prosecuting attorney or  
11 circuit attorney with authority to petition the court to add a condition to a term of  
12 probation under this section.**

13 **2. If supervision of a parolee in Missouri is administered pursuant to this  
14 compact, the division of probation and parole shall have the authority to impose a  
15 sanction or additional conditions in response to written violations of supervision;  
16 however, the division of probation and parole shall not reduce, extend, or revoke such a  
17 term of parole.**

**589.565. A Missouri probationer or parolee seeking transfer of their supervision  
2 through this compact shall pay a fee in the amount of one hundred seventy-five dollars  
3 for each transfer application submitted. The transfer application fee shall be paid to the  
4 compact commissioner upon submission of the transfer application. The commissioner  
5 or commissioner's designee may waive the application fee if either the commissioner or  
6 the commissioner's designee finds that payment of the fee would constitute an undue  
7 economic burden on the offender. All fees collected pursuant to this section shall be paid  
8 and deposited to the credit of the "Missouri Interstate Compact Fund", which is hereby  
9 established in the state treasury. The state treasurer shall be custodian of the fund. In  
10 accordance with sections 30.170 and 30.180, the state treasurer may approve  
11 disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys  
12 in the fund shall be used for the sole benefit of the department of corrections in support  
13 of administration of this section; expenses related to assessment, retaking, staff  
14 development, and training; and implementation of evidence-based practices in support  
15 of offenders under supervision. Notwithstanding the provisions of section 33.080 to the  
16 contrary, any moneys remaining in the fund at the end of the biennium shall not revert**

17 **to the credit of the general revenue fund. The state treasurer shall invest moneys in the**  
18 **fund in the same manner as other funds are invested. Any interest and moneys earned**  
19 **on such investments shall be credited to the fund.**

2 ~~[217.785. 1. As used in this section, the term "Missouri~~  
3 ~~postconviction drug treatment program" means a program of noninstitutional~~  
4 ~~and institutional correctional programs for the monitoring, control and~~  
5 ~~treatment of certain drug abuse offenders.~~

6 ~~2. The department of corrections shall establish by regulation the~~  
7 ~~"Missouri Postconviction Drug Treatment Program". The program shall~~  
8 ~~include noninstitutional and institutional placement. The institutional phase of~~  
9 ~~the program may include any offender under the supervision and control of the~~  
10 ~~department of corrections. The department shall establish rules determining~~  
11 ~~how, when and where an offender shall be admitted into or removed from the~~  
12 ~~program.~~

13 ~~3. Any first-time offender who has been found guilty of violating the~~  
14 ~~provisions of chapter 195 or 579, or whose controlled substance abuse was a~~  
15 ~~precipitating or contributing factor in the commission of his offense, and who~~  
16 ~~is placed on probation may be required to participate in the noninstitutional~~  
17 ~~phase of the program, which may include education, treatment and~~  
18 ~~rehabilitation programs. Persons required to attend a program pursuant to~~  
19 ~~this section may be charged a reasonable fee to cover the costs of the program.~~  
20 ~~Failure of an offender to complete successfully the noninstitutional phase of~~  
21 ~~the program shall be sufficient cause for the offender to be remanded to the~~  
22 ~~sentencing court for assignment to the institutional phase of the program or~~  
23 ~~any other authorized disposition.~~

24 ~~4. A probationer shall be eligible for assignment to the institutional~~  
25 ~~phase of the postconviction drug treatment program if he has failed to~~  
26 ~~complete successfully the noninstitutional phase of the program. If space is~~  
27 ~~available, the sentencing court may assign the offender to the institutional~~  
28 ~~phase of the program as a special condition of probation, without the necessity~~  
29 ~~of formal revocation of probation.~~

30 ~~5. The availability of space in the institutional program shall be~~  
31 ~~determined by the department of corrections. If the sentencing court is advised~~  
32 ~~that there is no space available, then the court shall consider other authorized~~  
33 ~~dispositions.~~

34 ~~6. Any time after ninety days and prior to one hundred twenty days~~  
35 ~~after assignment of the offender to the institutional phase of the program, the~~  
36 ~~department shall submit to the court a report outlining the performance of the~~  
37 ~~offender in the program. If the department determines that the offender will~~  
38 ~~not participate or has failed to complete the program, the department shall~~  
39 ~~advise the sentencing court, who shall cause the offender to be brought before~~  
40 ~~the court for consideration of revocation of the probation or other authorized~~  
41 ~~disposition. If the offender successfully completes the program, the~~  
42 ~~department shall release the individual to the appropriate probation and~~  
~~parole district office and so advise the court.~~

43 ~~7. Time spent in the institutional phase of the program shall count as~~  
44 ~~time served on the sentence.]~~

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

21 ~~2. INTERSTATE COMPACT FOR THE SUPERVISION OF~~  
22 ~~PAROLEES AND PROBATIONERS~~

23 ~~This compact shall be entered into by and among the contracting states,~~  
24 ~~signatories hereto, with the consent of the Congress of the United States of~~  
25 ~~America, granted by an act entitled "An act granting the consent of Congress~~  
26 ~~to any two or more states to enter into agreements or compacts for cooperative~~  
27 ~~effort and mutual assistance in the prevention of crime and for other purposes."~~

28 ~~The contracting states solemnly agree:~~

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

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

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

40 ~~Before granting such permission, opportunity shall be granted to the~~  
41 ~~receiving state to investigate the home and prospective employment of such~~  
42 ~~person.~~

43 ~~A resident of the receiving state, within the meaning of this section, is~~  
44 ~~one who has been an actual inhabitant of such state continuously for more than~~  
~~one year prior to his coming to the sending state and has not resided within the~~

45 ~~sending state more than six continuous months immediately preceding the~~  
46 ~~commission of the offense for which he has been convicted.~~

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

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

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

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

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

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

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

87 ~~4. All necessary and proper expenses accruing as a result of a person~~  
88 ~~being returned to this state by order of a court or the parole board shall be paid~~  
89 ~~by the state as provided in section 548.241 or 548.243.]~~

✓