

FIRST REGULAR SESSION

# SENATE BILL NO. 123

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

0961S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 217.720, RSMo, and to enact in lieu thereof one new section relating to violations while on parole or conditional release.

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

Section A. Section 217.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.720, to read as follows:

217.720. 1. At any time during release on parole or conditional release the division of probation and parole may issue a warrant for the arrest of a released offender **or a summons to appear before the parole board** for violation of any of the conditions of parole or conditional release. The warrant shall authorize any law enforcement officer to return the offender to the actual custody of the correctional center from which the offender was released, or to any other suitable facility designated by the division. If any parole or probation officer has probable cause to believe that such offender has violated a condition of parole or conditional release, the probation or parole officer may issue a warrant for the arrest of the offender **or a summons to appear before the parole board.** The probation or parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation and contain the

19 statement that the offender has, in the judgment of the  
20 probation or parole officer, violated conditions of parole  
21 or conditional release. The warrant delivered with the  
22 offender by the arresting officer to the official in charge  
23 of any facility designated by the division to which the  
24 offender is brought shall be sufficient legal authority for  
25 detaining the offender. After the arrest the parole or  
26 probation officer shall present to the detaining authorities  
27 a similar statement of the circumstances of violation.  
28 Pending hearing as hereinafter provided, upon any **arrest on**  
29 **a** charge of violation, the offender shall remain in custody  
30 or incarcerated without consideration of bail.

31 2. If the offender is arrested **and detained** under the  
32 authority granted in subsection 1 of this section, the  
33 offender shall have the right to a preliminary hearing on  
34 the violation charged **within seventy-two hours** unless the  
35 offender waives such hearing **or agrees to a delay**. Upon  
36 such arrest and detention, the parole or probation officer  
37 shall immediately notify the board and shall submit in  
38 writing a report showing in what manner the offender has  
39 violated the conditions of his parole or conditional  
40 release. **Within twenty-one days of arrest and detention,**  
41 **unless waived by the offender,** the board shall order the  
42 offender discharged from such facility, require as a  
43 condition of parole or conditional release the placement of  
44 the offender in a treatment center operated by the  
45 department of corrections, or shall cause the offender to be  
46 brought before it for a hearing on the violation charged,  
47 under such rules and regulations as the board may adopt. **An**  
48 **offender issued a summons to appear for violation of any of**  
49 **the conditions of parole or conditional release shall appear**  
50 **before the board under such rules and regulations as the**

51 **board may adopt.** If the violation is established and found  
52 **by a preponderance of the evidence,** the board may continue  
53 or revoke the parole or conditional release, or enter such  
54 other order as it may see fit. If no violation is  
55 established and found, then the parole or conditional  
56 release shall continue. **If a violation is established and**  
57 **found, the board shall issue written findings stating which**  
58 **conditions of parole or conditional release were found to be**  
59 **violated and the reasons for their decision to revoke or**  
60 **continue parole or conditional release.** If at any time  
61 during release on parole or conditional release the offender  
62 is arrested for a crime which later leads to conviction, and  
63 sentence is then served outside the Missouri department of  
64 corrections, the board shall determine what part, if any, of  
65 the time from the date of arrest until completion of the  
66 sentence imposed is counted as time served under the  
67 sentence from which the offender was paroled or  
68 conditionally released.

69 3. An offender for whose return a warrant has been  
70 issued by the division shall, if it is found that the  
71 warrant cannot be served, be deemed to be a fugitive from  
72 justice or to have fled from justice. If it shall appear  
73 that the offender has violated the provisions and conditions  
74 of his parole or conditional release, the board shall  
75 determine whether the time from the issuing date of the  
76 warrant to the date of his arrest on the warrant, or  
77 continuance on parole or conditional release shall be  
78 counted as time served under the sentence. In all other  
79 cases, time served on parole or conditional release shall be  
80 counted as time served under the sentence.

81 4. At any time during parole or probation, the  
82 division may issue a warrant for the arrest of any person

83 from another jurisdiction, the visitation and supervision of  
84 whom the division has undertaken pursuant to the provisions  
85 of the interstate compact for the supervision of parolees  
86 and probationers authorized in section 217.810, for  
87 violation of any of the conditions of release, or a notice  
88 to appear to answer a charge of violation. The notice shall  
89 be served personally upon the person. The warrant shall  
90 authorize any law enforcement officer to return the offender  
91 to any suitable detention facility designated by the  
92 division. Any parole or probation officer may arrest such  
93 person without a warrant, or may deputize any other officer  
94 with power of arrest to do so by issuing a written statement  
95 setting forth that the defendant has, in the judgment of the  
96 parole or probation officer, violated the conditions of his  
97 release. The written statement delivered with the person by  
98 the arresting officer to the official in charge of the  
99 detention facility to which the person is brought shall be  
100 sufficient legal authority for detaining him. After making  
101 an arrest the parole or probation officer shall present to  
102 the detaining authorities a similar statement of the  
103 circumstances of violation.

104 **5. A person shall have the right to counsel at a**  
105 **preliminary and revocation hearing for a violation of parole**  
106 **or conditional release under this section.**

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