

SENATE BILL NO. 1168

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

5072S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 558.041, RSMo, and to enact in lieu thereof five new sections relating to persons convicted of a crime.

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

Section A. Section 558.041, RSMo, is repealed and five
2 new sections enacted in lieu thereof, to be known as sections
3 314.205, 314.208, 314.211, 314.214, and 558.041, to read as
4 follows:

314.205. As used in sections 314.205 to 314.214, the
2 following terms shall mean:

3 (1) "Certificate", a certificate of exemplary conduct
4 and good moral character;

5 (2) "Circuit court", any circuit court in the state of
6 Missouri;

7 (3) "Eligible individual", a person who has been
8 convicted of an offense in this state or in any other
9 jurisdiction that does not include an offense that would
10 subject a person to the sex offender registry under sections
11 589.400 to 589.426;

12 (4) "Petition", any form or document that is submitted
13 to the circuit court that documents an eligible individual's
14 desire to obtain a certificate and the eligible individual's
15 justification for why the circuit court should grant his or
16 her request.

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

314.208. 1. The circuit court shall have the power to
2 issue a certificate to an eligible individual that has the
3 force and effect of a final judgment. The circuit court
4 shall issue a certificate to an eligible individual if the
5 presiding judge finds, at the moment of sentencing or at any
6 moment thereafter, that clear and convincing evidence
7 demonstrates that the eligible individual has:

8 (1) Consistently conducted himself or herself in a
9 manner warranting the issuance of a certificate;

10 (2) Consistently demonstrated that he or she is of
11 good moral character; and

12 (3) Generally acted in such a way that granting the
13 certificate is consistent with the public interest.

14 2. The circuit court shall have the power to
15 investigate an eligible individual petitioning for a
16 certificate.

17 3. The circuit court shall grant or deny the petition
18 within a reasonable period of time after the petition is
19 filed.

20 4. If the circuit court has issued a certificate, the
21 circuit court may at any time issue a new certificate
22 enlarging the relief previously granted.

23 5. After notice to a certificate holder, the circuit
24 court has the power to revoke a certificate upon a
25 subsequent conviction.

314.211. 1. A certificate shall not prevent any
2 judicial or administrative proceeding, any licensing
3 authority, or any other body, board, employer, or authority
4 from accessing or considering the eligible individual's
5 conviction history.

6 2. A certificate removes any or all bars an eligible
7 individual faces with respect to employment, housing, or
8 occupational licenses.

9 3. An employer is not civilly or criminally liable for
10 an act or omission by an employee who has been issued a
11 certificate, except for a willful or wanton act by the
12 employer in hiring the employee who has been issued a
13 certificate.

 314.214. 1. The chief justice of the Missouri supreme
2 court, or his or her designee, may create forms to assist
3 eligible individuals in providing all the information
4 required for a presiding judge to fully consider the
5 eligible individual's case.

6 2. The division of professional registration, and any
7 other Missouri entity that has the authority to issue or
8 revoke a license, shall report to the general assembly on
9 November thirtieth of each year the following:

10 (1) The number of licensure applicants with felony
11 convictions;

12 (2) The number of applicants with certificates;

13 (3) The number of licenses awarded to applicants with
14 felony convictions;

15 (4) The number of licenses awarded to applicants with
16 certificates;

17 (5) The number of applicants with felony convictions
18 denied licenses; and

19 (6) The number of applicants with certificates denied
20 licenses.

 558.041. 1. Any offender committed to the department
2 of corrections, except those persons committed pursuant to
3 subsection 7 of section 558.016, or subsection 3 of section
4 566.125, [may] shall receive additional credit in terms of

5 days spent in confinement upon recommendation for such
6 credit by the offender's institutional superintendent when
7 the offender meets the requirements for such credit as
8 provided in subsections 3 and 4 of this section. Good time
9 credit may be rescinded by the director or his or her
10 designee pursuant to the divisional policy issued pursuant
11 to subsection 3 of this section.

12 2. Any credit extended to an offender shall only apply
13 to the sentence which the offender is currently serving, **but**
14 **any program or activity, as described under subsection 3 of**
15 **this section, that is completed by an offender prior to**
16 **August 28, 2026, shall apply retroactively for good time**
17 **credit.**

18 3. (1) The director of the department of corrections
19 shall issue a policy for awarding credit.

20 (2) The policy [may] shall reward an [inmate] offender
21 who has served his or her sentence in an orderly and
22 peaceable manner and has taken advantage of the
23 rehabilitation programs available to him or her.

24 (3) Any **major conduct** violation of institutional rules
25 [or], **violation of** the laws of this state [may], **parole**
26 **revocation, or the accumulation of minor conduct violations**
27 **exceeding six within a calendar year shall** result in the
28 loss of all [or a portion of any] **prior** credit earned by the
29 [inmate] offender pursuant to this section.

30 (4) The policy shall specify the programs or
31 activities for which credit may be earned under this
32 section, the criteria for determining productive
33 participation in, or completion of, the programs or
34 activities, and the criteria for awarding credit.

35 (5) No offender committed to the department who is
36 sentenced to death or sentenced to life without probation or
37 parole shall be eligible for good time credit.

38 (6) The department shall award credit of sixty days to
39 any qualifying offender who successfully:

40 (a) Receives a high school diploma or equivalent,
41 college diploma, or a vocational training certificate as
42 provided under the department's policy;

43 (b) Completes an alcohol or drug abuse treatment
44 program as provided under the department's policy, except
45 that alcohol and drug abuse treatment programs ordered by
46 the court or parole board shall not qualify;

47 (c) Completes one thousand hours of restorative
48 justice; or

49 (d) Completes other programs as provided under the
50 department's policy.

51 (7) Each qualifying program or activity successfully
52 completed shall earn sixty days of credit.

53 (8) Offenders sentenced under subsections 2 and 3 of
54 section 558.019 shall be eligible for good time credit. Any
55 good time credit earned shall be subtracted from the
56 offender's minimum eligibility-for-release date.

57 (9) Nothing in this section shall be construed to
58 require that the offender be released as a result of good
59 time credit. The parole board in its discretion shall
60 determine the date of release.

61 4. [The department shall cause the policy to be
62 published in the code of state regulations.

63 5. No rule or portion of a rule promulgated under the
64 authority of this chapter shall become effective unless it
65 has been promulgated pursuant to the provisions of section
66 536.024] Offenders may petition the department to receive

67 credit for programs or activities completed prior to August
68 28, 2026, as specified below:

69 (1) Offenders are eligible to submit petitions from
70 January 1, 2027, to December 31, 2027;

71 (2) Offenders shall have completed the program or
72 activity after December 31, 2009; and

73 (3) The provisions of this subsection shall apply
74 retroactively to offenses committed after December 31, 2009.

75 5. No offender committed to the department who is
76 sentenced to death or sentenced to life without probation or
77 parole shall be eligible for good time credit under this
78 section.

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